



भारत का राजपत्र The Gazette of India

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नई दिल्ली, शनिवार, जनवरी 25, 2003/माघ 5, 1924
NEW DELHI, SATURDAY, JANUARY 25, 2003/MAGHA 5, 1924

इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह पृथक संकलन के रूप में रखा जा सके
Separate Paging is given to this Part in order that it may be filed as a separate compilation

भाग II—खण्ड 3—उप-खण्ड (ii)
PART II—Section 3—Sub-section (ii)

भारत सरकार के मंत्रालयों (रक्षा मंत्रालय को छोड़कर) द्वारा जारी किए गए सांविधिक आदेश और अधिसूचनाएं
Statutory Orders and Notification Issued by the Ministries of the Government of India
(Other than the Ministry of Defence)

वित्त एवं कम्पनी कार्य मंत्रालय
(राजस्व विभाग)
केन्द्रीय प्रत्यक्ष कर बोर्ड
नई दिल्ली, 7 जनवरी, 2003
(आयकर)

का. आ. 251.—आयकर अधिनियम, 1961 (1961 का 43) की धारा 10 के खंड (22ख) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा "दि प्रेस ट्रस्ट ऑफ इंडिया लिमिटेड, नई दिल्ली" को कर निर्धारण वर्ष 2003-2004 से 2005-2006 के लिए उक्त खंड के उद्देश्यों के लिए समाचारों के संग्रहण और वितरण मात्र के लिए भारत में स्थापित एक समाचार एजेंसी के रूप में विनिर्दिष्ट करती है।

[अधिसूचना सं. 8/2003/फा. सं. 165/1/2002-आयकर नि-1]

श्रीमती प्रोमिला भारद्वाज, निदेशक

MINISTRY OF FINANCE AND COMPANY AFFAIRS

(Department of Revenue)

CENTRAL BOARD OF DIRECT TAXES

New Delhi, the 7th January, 2003

(INCOME TAX)

S. O. 251.—In exercise of the powers conferred by clause (22B) of Section 10 of the Income-tax Act, 1961

(43 of 1961), the Central Government hereby specifies the "The Press Trust of India Limited, New Delhi" as a news agency set up in India solely for collection and distribution of news for the purposes of the said clause for the assessment years 2003-2004 to 2005-2006.

[Notification No. 8/2003/F. No. 165/1/2002-ITA-I]

Mrs. PROMILA BHARDWAJ, Director

नई दिल्ली, 15 जनवरी, 2003

(आयकर)

का. आ. 252.—आयकर अधिनियम की धारा 194क की उपधारा (3) के खंड (iii) के उपखंड (च) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार एतद्वारा मौलाना आजाद एजुकेशन फाउंडेशन, नई दिल्ली को उक्त उपखंड के प्रयोजनार्थ अधिसूचित करती है।

[सं. 14/2003/फा. सं. 275/92/2002-आयकर (बजट)]

आनन्द झा, उप सचिव (बजट)

New Delhi, the 15th January, 2003

(INCOME TAX)

S. O. 252.—In exercise of the powers conferred by sub-clause (f) of clause (iii) of sub-section (3) of Section

194A of the Income-tax Act, the Central Government hereby notifies the Maulana Azad Education Foundation, New Delhi for the purpose of the said sub-clause.

[No. 14/2003/F. No. 275/92/2002-IT(B)]

ANAND JHA, Dy. Secy. (Budget)

नई दिल्ली, 15 जनवरी, 2003

(आयकर)

का. आ. 253.—आयकर अधिनियम की धारा 194 की उपधारा (3) के खंड (iii) के उपखंड (च) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार एतद्वारा "टूरिज्म फाइनेंस कारपोरेशन ऑफ इंडिया, लिमिटेड, नई दिल्ली" को उक्त उपखंड के प्रयोजनार्थ अधिसूचित करती है।

[सं. 13/2003/फा. सं. 275/99/2002-आयकर (बजट)]

आनन्द झा, उप सचिव (बजट)

New Delhi, the 15th January, 2003

(INCOME TAX)

S. O. 253.—In exercise of the powers conferred by sub-clause (f) of clause (iii) of Sub-section (3) of Section 194A of the Income-tax Act, the Central Government hereby notifies the "Tourism Finance Corporation of India Limited, New Delhi" for the purpose of the said sub-clause.

[No. 13/2003/F. No. 275/99/2002-IT(B)]

ANAND JHA, Dy. Secy. (Budget)

कार्यालय, आयुक्त, केन्द्रीय उत्पाद शुल्क आयुक्तालय,

जयपुर-प्रथम

जयपुर, 15 जनवरी, 2003

सं. 1—सीमा शुल्क (एन टी) 2003

(सीमा शुल्क)

का. आ. 254.—सीमा शुल्क अधिनियम, 1962 की धारा 152 के खंड (ए) के तहत भारत सरकार, वित्त मंत्रालय, राजस्व विभाग, नई दिल्ली की अधिसूचना संख्या 33/94 सीमा शुल्क (एन टी) दिनांक प्रथम जुलाई, 1994 के अन्तर्गत प्रदत्त शक्तियों का प्रयोग करते हुए मैं, प्रवीण महाजन, आयुक्त, केन्द्रीय उत्पाद शुल्क, जयपुर-प्रथम एतद्वारा, शतप्रतिशत ई.ओ.यू. स्थापित करने के उद्देश्य से राजस्थान राज्य के दौसा जिले के बापी औद्योगिक क्षेत्र को भण्डारण स्टेशन (वेयर हाऊसिंग स्टेशन) घोषित करती हूँ।

[फा. सं. पंचम (16) सी.शु./2/2002]

प्रवीण महाजन, आयुक्त

OFFICE OF THE COMMISSIONER CENTRAL
EXCISE, JAIPUR-I

Jaipur, the 15th January, 2003

NO. 1-CUS(NT) 2003

(CUSTOMS)

S. O. 254.—In exercise of the powers conferred by Notification No. 33/94-Customs (NT), dated the 1st July, 1994, by the Government of India, Ministry of Finance,

Department of Revenue, New Delhi, issued under clause (a) of Section 152 of Customs Act, 1962. I, Praveen Mahajan, Commissioner of Central Excise, Jaipur-I, hereby declare, Bapi Industrial Area, Dausa, in the state of Rajasthan to be warehousing station under Section 9 of the Customs Act, 1962 for the purpose of setting up 100% E.O.U.

[F. No. V(16)Cus/2/2002]

PRAVEEN MAHAJAN, Commissioner

(व्यय विभाग)

नई दिल्ली, 16 जनवरी, 2003

का. आ. 255.—केन्द्रीय सरकार, सरकारी स्थान (अप्राधिकृत अधिभोगियों की बेदखली) अधिनियम, 1971 (1971 का 40) की धारा 3 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए और भारत सरकार, (व्यय विभाग) की अधिसूचना को उन बातों के सिवाय अधिक्रांत करते हुए, जिन्हें ऐसे अधिक्रमण से पूर्व किया गया है या करने का लोप किया गया है, नीचे सारणी के स्तंभ (1) में उल्लिखित अधिकारी को, जो केन्द्रीय सरकार के राजपत्रित अधिकारी की रैंक के समतुल्य अधिकारी है, उक्त अधिनियम के प्रयोजन के लिए संपदा अधिकारी नियुक्त करती है, जो उक्त सारणी के स्तंभ (2) में तत्स्थानी प्रविष्टि में विनिर्दिष्ट सरकारी स्थानों की बाबत अपनी अधिकारिता की स्थानीय परिसीमाओं के भीतर उक्त अधिनियम द्वारा या उसके अधीन संपदा अधिकारी को प्रदत्त शक्तियों का प्रयोग और उस पर अधिरोपित कर्तव्यों का पालन करेगा।

सारणी

अधिकारी का पदनाम	सरकारी स्थानों के प्रवर्ग और अधिकारिता की स्थानीय परिसीमाएं
(1)	(2)
निदेशक (कार्मिक), भारत के नियंत्रक महालेखा परीक्षक का कार्यालय, नई दिल्ली।	सेक्टर-62, नोएडा, उत्तर प्रदेश में स्थित भारतीय लेखा परीक्षा और लेखा विभाग के सूचना पद्धति और लेखा परीक्षा अन्तर्राष्ट्रीय केन्द्र (आईसीआईएसए)

[फा. सं. ए-11013/1/2002-ई.जी.]

महेन्द्र कुमार, उपसचिव

(Department of Expenditure)

New Delhi, the 16th January, 2003

S. O. 255.—In exercise of the powers conferred by Section 3 of the Public Premises (Eviction of Unauthorised Occupants) Act, 1971 (40 of 1971), and in supersession of the notification of the Government of India (Department of Expenditure) bearing S.O. 172 published on 26th January, 2002 except as respect things done or omitted to have been done before such supersession, the Central Government appoints the officer mentioned in Column (1) of the Table below, an officer equivalent to the rank of Gazetted Officer of the Central Government to be the estate officer for purpose of the said Act, who shall exercise the powers

conferred and perform the duties imposed on estate officer by or under the said Act, within the local limits of his jurisdiction in respect of public premises specified in the corresponding entry in Column (2) of the said Table.

TABLE

Designation of the officer	Categories of the public premises and local limits of jurisdiction
(1)	(2)
Director (Personnel), Office of the Comptroller and Auditor General of India, New Delhi.	Premises of the Indian Audit and Accounts Department's International Centre for Information System and Audit (ICISA) at Sector-62, Noida, State of Uttar Pradesh.
[F. No. A-11013/1/2002-EG.]	
MAHENDRA KUMAR, Dy. Secy.	

कोयला और खान मंत्रालय

(कोयला विभाग)

आदेश

नई दिल्ली, 14 जनवरी, 2003

का. आ. 256.—कोयला धारक क्षेत्र (अर्जन और विकास) अधिनियम, 1957 (1957 का 20) (जिसे इसमें इसके पश्चात् उक्त अधिनियम कहा गया है) की धारा 9 की उपधारा (1) के अधीन निकाली गई भारत सरकार के कोयला मंत्रालय की अधिसूचना संख्यांक का. आ. 1321, तारीख 15 अप्रैल, 2002 के, भारत के राजपत्र, भाग II, खंड 3, उपखंड (ii) तारीख 20 अप्रैल, 2002 में प्रकाशित होने पर, उक्त अधिसूचना से संलग्न अनुसूची में वर्णित भूमि और भूमि में, या उस पर के अधिकार (जिसे इसमें इसके पश्चात् उक्त भूमि कहा गया है) उक्त अधिनियम की धारा 10 की उपधारा (1) के अधीन, सभी विल्लंगमों से मुक्त होकर आत्यंतिक रूप में केन्द्रीय सरकार में निहित हो गए थे;

और केन्द्रीय सरकार का यह समाधान हो गया है कि ईस्टर्न कोलफील्ड्स लिमिटेड, सक्टरिया, डाकघर-दिशेरगढ़, जिला-वर्धमान (पश्चिम बंगाल) (जिसे इसमें इसके पश्चात् उक्त सरकारी कंपनी कहा गया है), ऐसे निबंधनों और शर्तों का, जो केन्द्रीय सरकार इस निमित्त अधिरोपित करना उचित समझे अनुपालन करने के लिए रजामंद है;

अतः अब केन्द्रीय सरकार, उक्त अधिनियम की धारा 11 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, यह निदेश देती है कि इस प्रकार निहित उक्त भूमि और उक्त भूमि में या उस पर के अधिकार, तारीख 20 अप्रैल, 2002 केन्द्रीय सरकार में इस प्रकार निहित बने रहने की बजाय, निम्नलिखित निबंधनों और शर्तों के अधीन रहते हुए, सरकारी कंपनी में निहित हो जाएंगे, अर्थात् :—

- (1) सरकारी कंपनी, उक्त अधिनियम के उपबंधों के अधीन अवधारित प्रतिकर, ब्याज, नुकसान और वैसी ही मदों

की बाबत किए गए सभी संदायों की केन्द्रीय सरकार को प्रतिपूर्ति करेगी;

- (2) सरकारी कंपनी द्वारा शर्त (1) के अधीन, केन्द्रीय सरकार को संदेय रकमों का अवधारण करने के प्रयोजन के लिए एक अधिकरण का गठन किया जाएगा तथा ऐसे किसी अधिकरण और ऐसे अधिकरण की सहायता के लिए नियुक्त व्यक्तियों के संबंध में उपगत सभी व्यय, सरकारी कंपनी वहन करेगी और इसी प्रकार निहित उक्त भूमि में या उस पर के अधिकारों के लिए या उनके संबंध में सभी विधिक कार्यवाहियों, जैसे अपील आदि की बाबत उपगत सभी व्यय भी, सरकारी कंपनी वहन करेगी;
- (3) सरकारी कंपनी, केन्द्रीय सरकार या उसके पदधारियों की ऐसे किसी अन्य व्यय के संबंध में, जो इस प्रकार निहित उक्त भूमि में या उस पर के अधिकारों के बारे में, केन्द्रीय सरकार या उसके पदधारियों द्वारा या उनके विरुद्ध किन्हीं कार्यवाहियों के संबंध में आवश्यक हो, क्षतिपूर्ति करेगी;
- (4) सरकारी कंपनी को, केन्द्रीय सरकार के पूर्व अनुमोदन के बिना, उक्त भूमि को किसी अन्य व्यक्ति को अंतरित करने की शक्ति नहीं होगी; और
- (5) सरकारी कंपनी, ऐसे निदेशों और शर्तों को, जो केन्द्रीय सरकार द्वारा जब कभी आवश्यक हो, उक्त भूमि के विशिष्ट क्षेत्रों के लिए दिए जाएं या अधिरोपित की जाएं, पालन करेगी।

[सं. 43015/16/97-एल डब्ल्यू.पी.आर.आई.डब्ल्यू.]

संजय बहादुर, उप सचिव

MINISTRY OF COAL AND MINES

(Department of coal)

ORDER

New Delhi, the 14th January, 2003

S.O. 256.—Whereas on the publication of the notification of the Government of India in the Ministry of Coal, number S.O. 1321, dated the 15th April, 2002 in the Gazette of India, Part-II, Section-3, Sub-section (ii), dated the 20th April, 2002 issued under Sub-section (1) of Section 9 of the Coal Bearing Areas (Acquisition and Development) Act, 1957 (20 of 1957) (hereinafter referred to as the said Act), the lands and rights in or over the land described in the schedule appended to the said notification (hereinafter referred to as the said land) vested absolutely in the Central Government free from all encumbrances under sub-section (1) of Section 10 of the said Act;

And whereas the Central Government is satisfied that the Eastern Coalfields Limited, Sanctoria, Post Office Dishegarh, District Burdwan (West Bengal) (hereinafter referred to as the Government Company) is willing to comply with such terms and conditions as the Central Government thinks fit to impose in this behalf;

Now, therefore, in exercise of the powers conferred by sub-section (1) of Section 11 of the said Act, the Central Government hereby direct, that the said lands and rights in or over the said lands, so vested, shall with effect from 20th April, 2002 instead of continuing to so vest in the Central Government, shall vest in the Government Company, subject to the following terms and conditions, namely :—

- (1) The Government Company shall reimburse to the Central Government all payments made in respect of compensation, interest, damages and the like, as determined under the provisions of the said Act;
- (2) A tribunal shall be constituted for the purpose of determining the amounts payable to the Central Government by the Government Company under conditions (1) and all expenditure incurred in connection with any such tribunal and persons appointed to assist the tribunal shall be borne by the Government Company and similarly, all expenditure incurred in respect of all legal proceedings like appeals etc., for or in connection with the rights, in or over the said lands, so vesting, shall also be borne by the Government Company;
- (3) The Government Company shall indemnify the Central Government or its officials against any other expenditure that may be necessary in connection with any proceedings by or against the Central Government or its officials, regarding the rights in or over the said lands so vesting.
- (4) The Government Company shall have no power to transfer the said lands to any other persons without the previous approval of the Central Government; and
- (5) The Government Company shall abide by such direction and conditions as may be given or imposed by the Central Government for particular areas of the said lands, as and when necessary.

[No. 43015/16/97-LW/PRIW]

SANJAY BAHADUR, Dy. Secy.

युवा कार्यक्रम और खेल मंत्रालय

नई दिल्ली, 14 सितम्बर, 2002

का. आ. 257.—केन्द्रीय सरकार राजभाषा (संघ के शासकीय प्रयोजनों के लिए प्रयोग) नियम, 1976 के नियम 10 (4) के अनुसरण में, नेहरू युवा केन्द्र संगठन के निम्नलिखित 2 कार्यालयों को जिनके

कर्मचारियों ने हिन्दी का कार्यसाधक ज्ञान प्राप्त कर लिया है, अधिसूचित करती है :—

क्र. सं.	कार्यालय का नाम	राज्य	क्षेत्र
1.	नेहरू युवा केन्द्र संगठन, क्षेत्रीय कार्यालय, उदयपुर	राजस्थान	“क”
2.	नेहरू युवा केन्द्र, सिरौही	राजस्थान	“क”

[फा. सं. ई.-11011/2/98-हि.ए.]

रवीन्द्र नाथ शर्मा, उप सचिव

MINISTRY OF YOUTH AFFAIRS AND SPORTS

New Delhi, the 14th September, 2002

S. O. 257.—In pursuance of Rule 10(4) of the Official Language (Use for Official Purposes of the Union) Rule, 1976, the Central Government hereby notifies the following 2 offices of Nehru Yuva Kendra Sangathan the staff whereof have acquired working knowledge of Hindi :—

S. No.	Nehru Yuva Kendra	State	Region
1.	Nehru Yuva Kendra Sanagathan Regional Office, Udaipur	Rajasthan	“A”
2.	Nehru Yuva Kendra, Sirohi	Rajasthan	“A”

[F. No. E-11011/2/98-H.U.]

RAVINDRA NATH SHARMA, Dy. Secy.

जनजातीय कार्य मंत्रालय

नई दिल्ली, 8 जनवरी, 2003

का. आ. 258.—केन्द्रीय सरकार राजभाषा (संघ के शासकीय प्रयोजनों के लिए प्रयोग) नियम, 1976 के नियम 10 के उपनियम (4) के अनुसरण में जनजातीय कार्य मंत्रालय के अंतर्गत राष्ट्रीय अनुसूचित जनजाति वित्त एवं विकास निगम (भारत सरकार का उपक्रम) को, वहां पर हिन्दी का कार्यसाधक ज्ञान रखने वाले कर्मचारियों की संख्या 80% से अधिक हो जाने के फलस्वरूप एतद्वारा अधिसूचित करती है।

[सं.-11019/6/2002-हिन्दी]

तरुण कुमार, निदेशक

MINISTRY OF TRIBAL AFFAIRS

New Delhi, the 8th January, 2003

S. O. 258.—In pursuance of sub-rule (4) of Rule 10 of the Official Language (Use for Official Purposes of the Union) Rule, 1976, the Central Government, hereby notifies the National Scheduled Tribes Finance and Development Corporation (A Government of India Undertaking) under the Ministry of Tribal Affairs wherein the percentage of Hindi knowing staff has gone above 80%.

[No. -11019/6/2002-Hindi]

TARUN COOMAR, Director

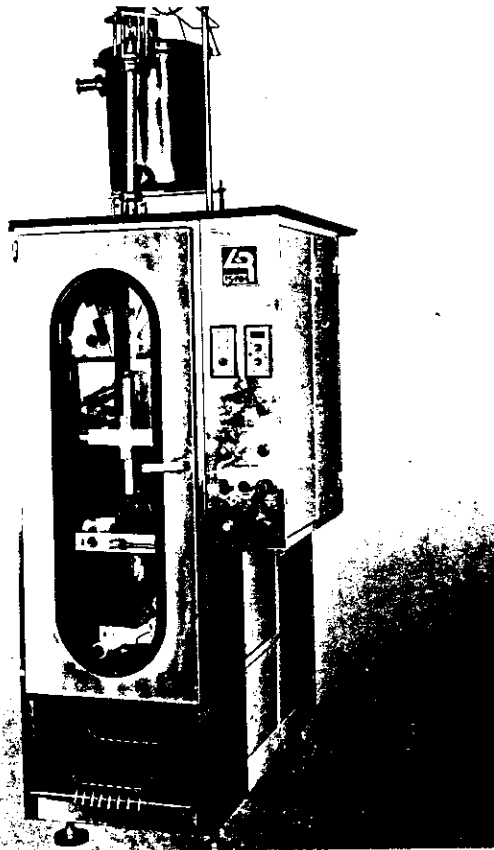
उपभोक्ता मामले, खाद्य और सार्वजनिक वितरण मंत्रालय

(उपभोक्ता मामले विभाग)

नई दिल्ली, 17 जनवरी, 2003

का. आ. 259.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात्, यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित माडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट तथा माप मानक (माडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त माडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः, अब, केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उपधारा (7) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मैसर्स रिषभ पैकेजिंग आटोमेशन प्राइवेट लिमिटेड, 6, साई एस्टेट्स, क्रॉस 15/6, और 7, काथुरुड, पुणे-412052 द्वारा विनिर्मित "लिव्वीरिश" शृंखला की भरण मशीन के माडल का, जिसके ब्रांड का नाम "रिषभ" है (जिसे इसमें इसके पश्चात् माडल का गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/2001/293 समनुदेशित किया गया है, अनुमोदन प्रमाणपत्र प्रकाशित करती है।



माडल अंकक सूचक सहित एक स्वतः भरण मशीन है। इसकी अधिकतम क्षमता 1000 ग्राम और न्यूनतम क्षमता 2 ग्राम है। मशीन को खनिज जल, दुग्ध, मखनिया दूध, अरक जैसे गैर-सांद्र द्रवों को भरे जाने के लिए डिजाइन किया गया है।

[फा० सं० डब्ल्यू०एम०-21(16)/99]

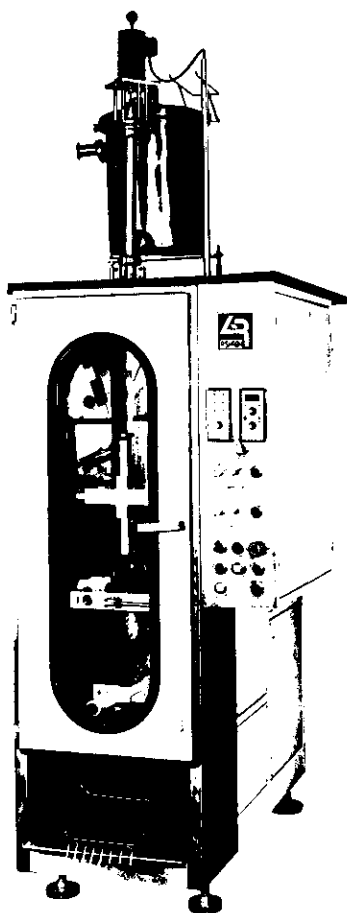
पी० ए० कृष्णमूर्ति, निदेशक, विधिक माप विज्ञान

MINISTRY OF CONSUMER AFFAIRS, FOOD AND PUBLIC DISTRIBUTION**(Department of Consumer Affairs)**

New Delhi, the 17th January, 2003

S.O. 259.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the model described in the said report (see figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standard of Weights and Measures (Approval of Models) Rules, 1987 and the said model is likely to maintain accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-section (7) of section 36 of the said Act, the Central Government hereby publishes the certificate of approval of the model of the automatic filling machine (hereinafter referred to as the model) of 'Liquidish' series and with brand name "RISHABH" manufactured by M/s. Rishabh Packing Automation Pvt. Ltd., 6, Sai Estates S No.15/6&7, Kothurud, Pune-412052 and which is assigned the approval mark IND/09/2001/293.



The said model (figure given) is an automatic filling machine with digital indicator. Its maximum capacity is 1000g. and minimum capacity is 2g. The machine is designed to fill non-viscous liquids like mineral water, milk, butter, milk, arrack etc.

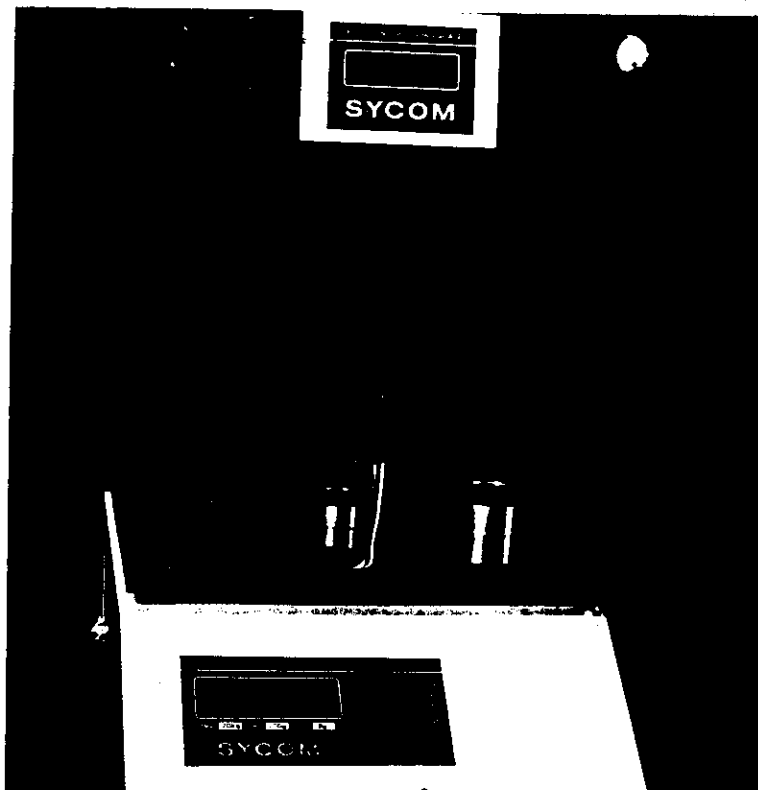
[No. WM-21(16)/99]

P.A. KRISHNAMOORTHY, Director of Legal Metrology

नई दिल्ली, 17 जनवरी, 2003

का. आ. 260.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात्, यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित माडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट तथा माप मानक (माडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त माडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः, अब, केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उपधारा (7) और (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मैसर्स साईकम टेक्नालाजी, टावर 2 बी/एफ 2, नटराज एन्कलेव, टेलीफोन एक्सचेंज के सामने बलराम टेक्पल रोड, बड़ौदा-390018 (गुजरात) द्वारा विनिर्मित उच्च यथार्थता (यथार्थता वर्ग 2) वाले "एस टी" श्रृंखला के अस्वचालित, अंकक सूचन सहित तोलन उपकरण (टेबल टाप प्रकार) के माडल का, जिसके ब्रांड का नाम "साईकम" है। (जिसे इसमें इसके पश्चात् माडल का गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/2001/298 समनुदेशित किया गया है, अनुमोदन प्रमाणपत्र प्रकाशित करती है।



यह माडल अस्वचालित (टेबल टाप प्रकार) की लोड सेल आधारित तोलन मशीन है और उच्च यथार्थता वर्ग (यथार्थता वर्ग-2) का है। इसकी अधिकतम क्षमता 20 कि.ग्रा. और न्यूनतम क्षमता 100 ग्रा. है। सत्यापन मापमान (ई) का मान 2 ग्रा. है। प्रकाश उत्सर्जक डायोड (एल ई डी) प्रदर्श तोलन परिणाम उपदर्शित करता है। उपकरण 230 बोल्ट और 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।

और, केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उपधारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि मॉडल के इस अनुमोदन प्रमाणपत्र के अंतर्गत, उसी श्रृंखला के, उसी मेक, यथार्थता और कार्यपालन वाले ऐसे तोलन उपकरण भी होंगे जिनकी अधिकतम क्षमता 50 कि. ग्रा. तक है। और जिनका विनिर्माण उसी विनिर्माता द्वारा उसी सिद्धान्त, डिजाइन और उसी सामग्री से किया जाता है जिससे अनुमोदित मॉडल का विनिर्माण किया गया है और जिनके सत्यापन मापमान अन्तराल (एन) 1 मि. ग्राम से 50 मि. ग्रा. के "ई" मान के लिए 100 से 50,000 की रेंज में है तथा 100 मि. ग्रा. से अधिक के "ई" मान के लिए 5,000 से 50,000 की रेंज में है तथा जिनका "ई" मान 1×10^6 , 2×10^6 और 5×10^6 है जिसमें 'के' धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य है।

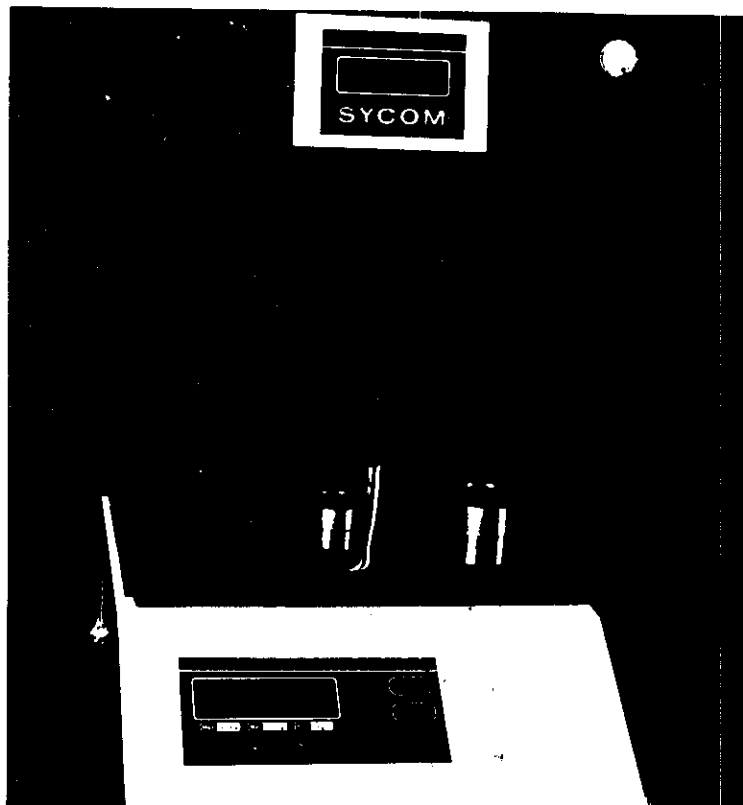
[फा० सं० डब्ल्यू०एम०-21(81)/99]

पी० ए० कृष्णमूर्ति, निदेशक, विधिक माप विज्ञान

New Delhi, the 17th January, 2003

S.O. 260.— Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rule, 1987 and the said model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-sections (7) and (8) of section 36 of the said Act the Central Government hereby publishes the certificate of approval of model of non-automatic weighing instrument (Table Top Type) with digital indication (hereinafter referred to as the Model) of "ST" series belonging to high accuracy class (accuracy class II) and with brand name "SYCOM", manufactured by M/s. Sycom Technology, Tower 2B/F2, Nataraj Enclave, Opp. Telephone Exchange, Jalaram Temple Road, Baroda-390018 (Gujarat) and which is assigned the approval mark IND/09/01/298.



The model is a load cell based non-automatic weighing machine of table top type with digital indication of maximum capacity 20 kg, minimum capacity 100g. and belonging to high accuracy class (accuracy class II). The value of verification scale interval (e) is 2 g. The display unit is of Light Emitting Diode (LED) type. The instrument operates on 220V, 50 Hertz alternate current power supply.

Further, in exercise of the power conferred by sub-section (12) of section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the model shall also cover the weighing instruments of similar make, accuracy and performance of same series with maximum capacity upto 50 kg. and with number of verification scale interval (n) in the range 100 to 50,000 for 'e' value 1mg. to 50mg. and with number of verification scale interval (n) in the range 5,000 to 50,000 for 'e' value of 100 mg. or more and with 'e' value to 1×10^k , 2×10^k and 5×10^k , k being a positive or negative whole number or equal to zero manufactured by the same manufacturer in accordance with the same principle, design and with the same materials which, the approved model has been manufactured.

[F. No. WM.-21(81)/99]

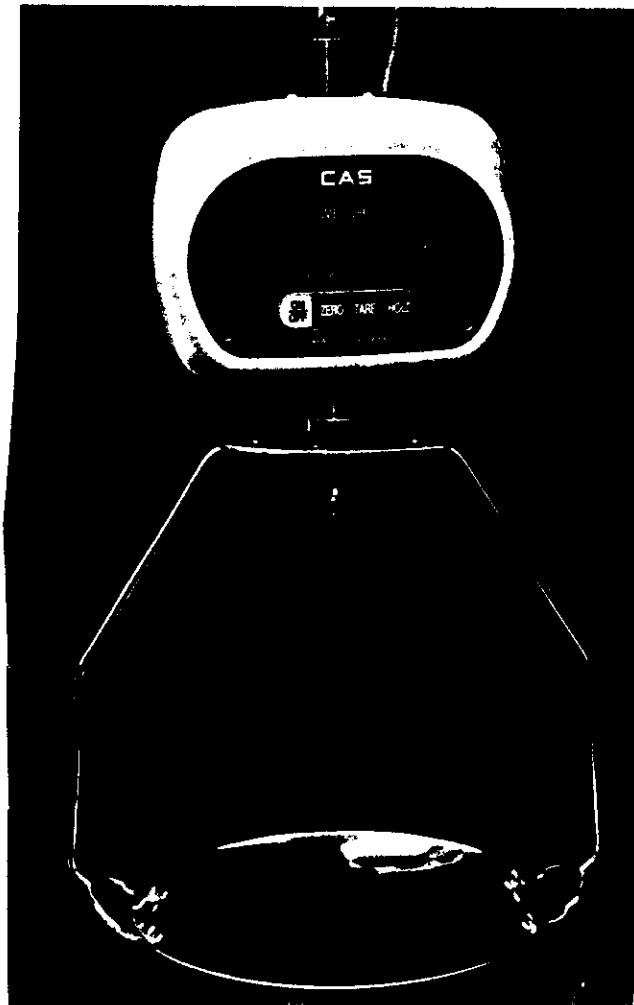
P.A. KRISHNAMOORTHY, Director, Legal Metrology

नई दिल्ली, 17 जनवरी, 2003

का. आ. 261.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात्, यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट तथा माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः अब केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उपधारा (7) और उपधारा (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मैसर्स केस वेजिंग इंडिया प्राइवेट लिमिटेड, 568, उद्योग विहार, फेज 5, गुडगांव—122016, हरियाणा द्वारा विनिर्मित मध्यम यथार्थता (यथार्थता वर्ग 3) वाले “एच एस” श्रृंखला के स्वतः सूचक, अस्वचालित, तोलन उपकरण (हैगिंग टाप प्रकार) के मॉडल का, जिसके ब्रांड का नाम “केस” है। (जिसे इसमें इसके पश्चात् मॉडल का गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/2002/97 समनुदेशित किया गया है, अनुमोदन प्रमाणपत्र प्रकाशित करती है;

उक्त मॉडल (नीचे दी गई आकृति) एक लोड सेल आधारित तोलन उपकरण है। इसकी अधिकतम क्षमता 30 कि. ग्रा. और न्यूनतम क्षमता 200 ग्रा. है। सत्यापन मापमान अंतराल (ई) का मान 10 ग्रा. है। इसमें एक आधेयतुलन युक्ति है जिसका शत प्रतिशत व्यवकलनात्मक धारित आधेयतुलन प्रभाव है। निर्वात प्रदीप्तन डायोड प्रदर्श तोलन परिणाम उपदर्शित करता है। उपकरण 230 वोल्ट और 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है;



और केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उपधारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि मॉडल के इस अनुमोदन प्रमाणपत्र के अंतर्गत, उसी श्रृंखला के उसी मेक, यथार्थता और कार्यपालन वाले ऐसे तोलन उपकरण भी होंगे जिनकी अधिकतम क्षमता 50 कि. ग्रा. तक है और जिनका विनिर्माण उसी विनिर्माता द्वारा उसी सिद्धान्त, डिजाइन और उसी सामग्री से किया जाता है जिससे अनुमोदित मॉडल का विनिर्माण किया गया है, और जिनके सत्यापन मापमान अंतराल (एन) की संख्या 100 मि. ग्राम से 2 ग्रा. के “ई” मान के लिए 100 से 10,000 के रेंज में है तथा 5 ग्रा. या अधिक के “ई” मान के लिए 5,000 से 50,000 की रेंज में है तथा जिनका “ई” मान 1×10^3 , 2×10^3 या 5×10^3 है जिसमें के धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य है।

[फा० सं० डब्ल्यू०एम०-21(10)/2000]

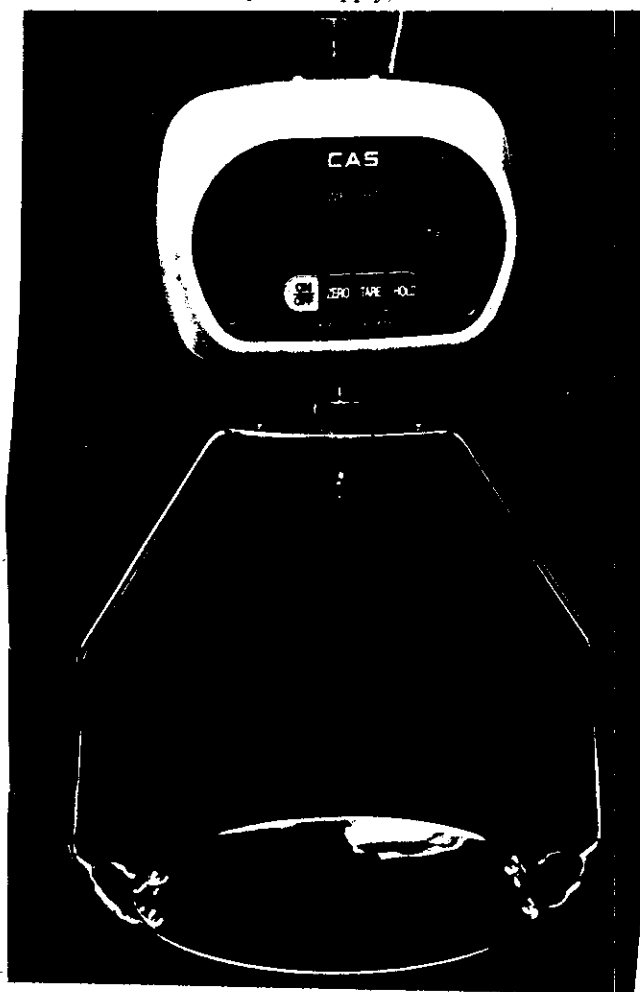
पी० ए० कृष्णामूर्ति, निदेशक, विधिक माप विज्ञान

New Delhi, the 17th January, 2003

S.O. 261.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by Sub-section (7) and Sub-section (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the model of the self-indicating, non-automatic, (Hanging top type) weighing instrument with digital indication of "HS" series of medium accuracy (Accuracy class III) and with brand name "CAS" (herein referred to as the model), manufactured by M/s. CAS Weighing India Private Limited, 568, Udyog Vihar, Phase V, Gurgaon-122 016, Haryana and which is assigned the approval mark IND/09/2002/97;

The said model (see the figure given below) is a load cell based weighing instrument with a maximum capacity of 30 kg and minimum capacity of 200g. The verification scale interval value (e) is 10g. It has a tare device with a 100 per cent subtractive retained tare effect. The Vacuum fluorescent Diode display indicates the weighing result. The instrument operates on 230 volts and 50-Hertz alternate current power supply;



Further, in exercise of the powers conferred by Sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the model shall also cover the weighing instrument of similar make and performance of same series with maximum capacity upto 50 kg and with number of verification scale interval (n) in the range of 100 to 10,000 for 'e' value of 100mg to 2g and with number of verification scale interval (n) in the range of 500 to 10,000 for 'e' value of 5g or more and with 'e' value 1×10^k , 2×10^k or 5×10^k , k being the positive or negative whole number or equal to zero, manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the approved model have been manufactured.

[No. WM-21(10)/2000]

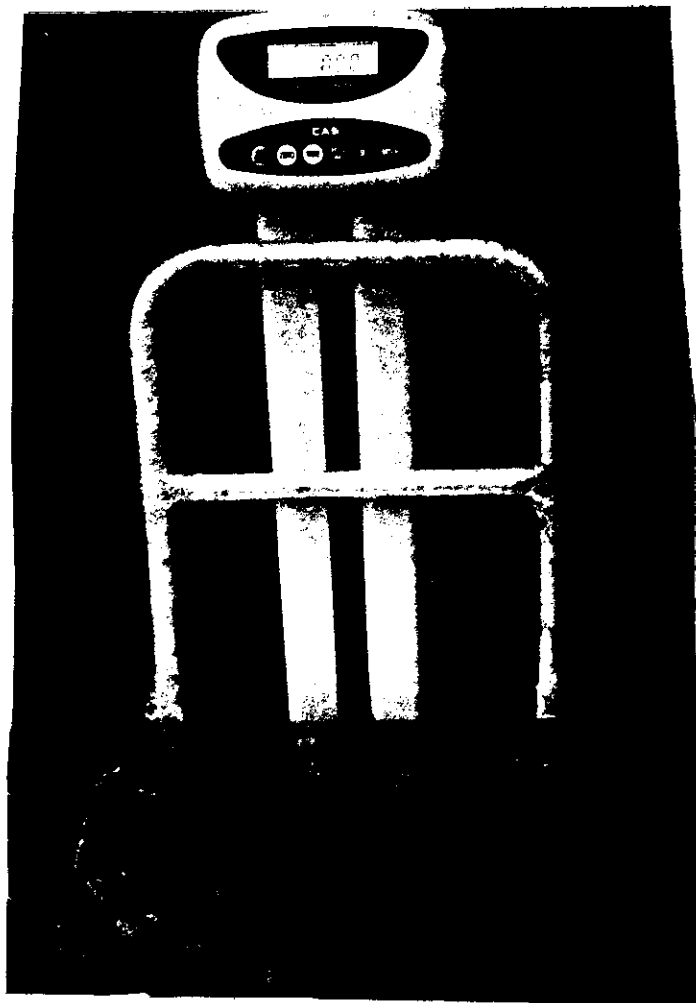
P. A. KRISHNAMOORTHY, Director, Legal Metrology

नई दिल्ली, 17 जनवरी, 2003

का. आ. 262.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात्, यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट तथा माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः अब केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उपधारा (7) और उपधारा (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मैसर्स केस वेजिंग इंडिया प्राइवेट लिमिटेड, 568, उद्योग विहार, फेज 5, गुडगांव—122016, हरियाणा द्वारा विनिर्मित मध्यम यथार्थता (यथार्थता वर्ग 3) वाले “डी एल” श्रृंखला के स्वतः सूचक अस्वचालित तोलन उपकरण (प्लेट फार्म प्रकार) के मॉडल का, जिसके ब्रांड का नाम “केस” है (जिसे इसमें इसके पश्चात् मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/2002/98 समनुदेशित किया गया है, अनुमोदन प्रमाणपत्र प्रकाशित करती है;

उक्त मॉडल (नीचे दी गई आकृति) एक लोड सेल आधारित तोलन उपकरण है इसकी अधिकतम क्षमता 60 कि.ग्रा. और न्यूनतम क्षमता 200 ग्रा. है। सत्यापन मापमान अंतराल (ई) का मान 20 ग्रा. है। इसमें एक आधेयतुलन युक्ति है जिसका शत प्रतिशत व्यवकलनात्मक धारित आधेयतुलन प्रभाव है। द्रवित क्रिस्टल डायोड (एलसीडी) प्रदर्श तोलन परिणाम उपदर्शित करता है। उपकरण 230 बोल्ट और 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है;



और, केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उपधारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि मॉडल के इस अनुमोदन प्रमाणपत्र के अंतर्गत, उसी श्रृंखला के उसी मेक, यथार्थता और कार्यपालन वाले ऐसे तोलन उपकरण भी होंगे जिनकी अधिकतम क्षमता 300 कि. ग्रा. तक है और जिनका विनिर्माण उसी विनिर्माता द्वारा उसी सिद्धान्त, डिजाइन और उसी सामग्री से किया जाता है जिससे अनुमोदित मॉडल का विनिर्माण किया गया है और जिनके सत्यापन मापमान अन्तराल (एन) की संख्या 5 ग्राम या अधिक के “ई” मान के लिए 500 से 10,000 की रेंज में है तथा जिनका “ई” मान 1×10^{-3} , 2×10^{-3} या 5×10^{-3} है जिसमें के धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य है।

[फा० सं० डब्ल्यू०एम०-21(10)/2000]

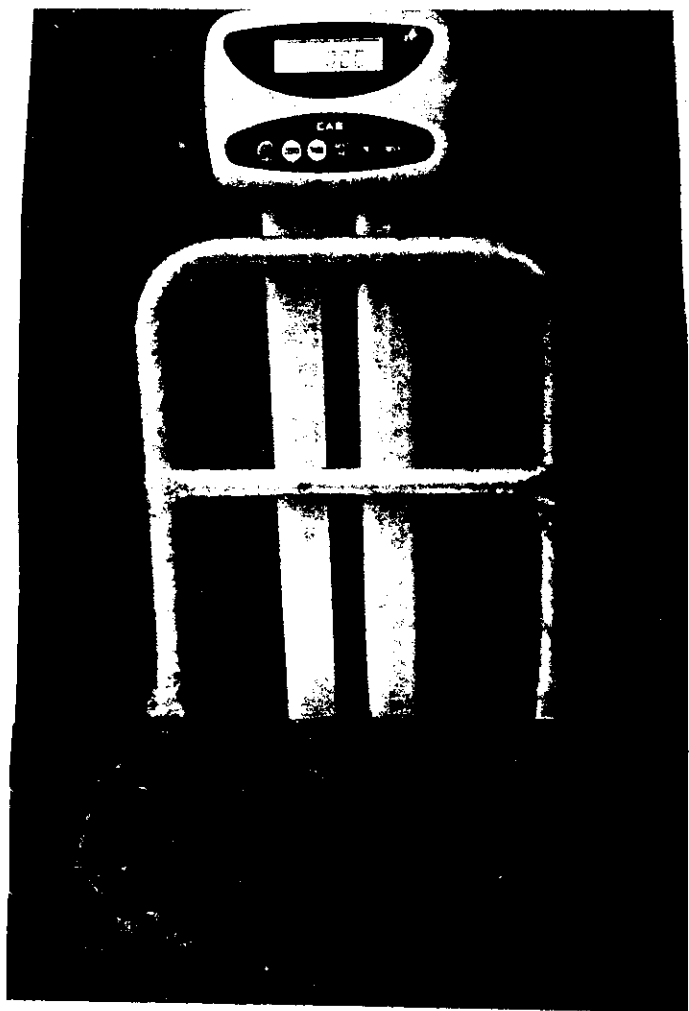
पी० ए० कृष्णमूर्ति, निदेशक, विधिक माप विज्ञान

New Delhi, the 17th January, 2003

S.O. 262.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the model described in the said report (see figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by Sub-section (7) and Sub-section (8) of Section 36 of the said Act, the Central Government hereby issued and publishes the certificate of approval of the model of the self-indicating, non-automatic (Platform type) weighing instrument with digital indication of "DL" series of medium accuracy (Accuracy class III) and with brand name "CAS" (herein referred to as the model) manufactured by M/s. CAS Weighing India Private Limited, 568, Udyog Vihar, Phase V, Gurgaon-122 016, Haryana and which is assigned the approval mark IND/09/2002/98;

The said model (see the figure) is a load cell based weighing instrument with a maximum capacity of 60 kg and minimum capacity of 200g. The verification scale interval value (e) is 20g. It has a tare device with a 100 per cent subtractive retained tare effect. The Light crystal Diode display indicates the weighing result. The instrument operates on 230 volts and 50-Hertz alternate current power supply;



Further, in exercise of the powers conferred by Sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the model shall also cover the weighing instrument of similar make and performance of same series with maximum capacity upto 300 kg and with number of verification scale interval (n) in the range of 500 to 10,000 for 'e' value of 5g or more and with 'e' value 1×10^k , 2×10^k or 5×10^k k being a positive or negative whole number or equal to zero manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the approved model have been manufactured.

[No. WM-21(10)/2000]

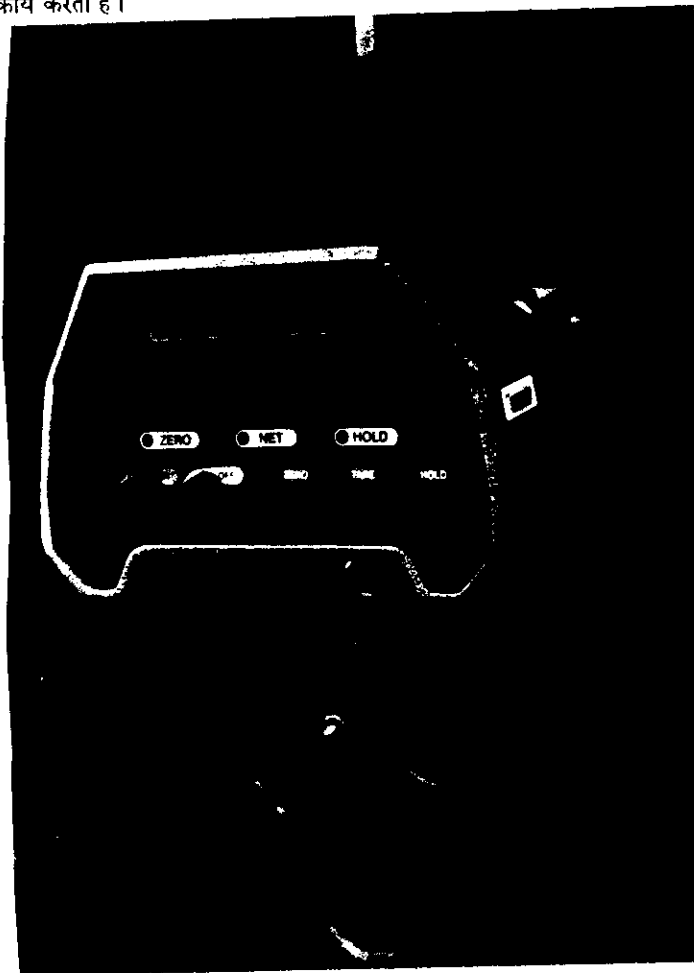
P. A. KRISHNAMOORTHY, Director, Legal Metrology

नई दिल्ली, 17 जनवरी, 2003

का. आ. 263.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात्, यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित माडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट तथा माप मानक (माडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त माडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः अब केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उपधारा (7) और उपधारा (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मैसर्स केस वेजिंग इंडिया प्राइवेट लिमिटेड, 568, उद्योग विहार, फेज 5, गुडगांव-122016, हरियाणा द्वारा विनिर्मित मध्यम यथार्थता (यथार्थता वर्ग 3) वाले "क्रेस्टोन" श्रृंखला के स्वतः सूचक अस्वचालित तोलन उपकरण (क्रेन स्केल प्रकार) के माडल का, जिसके ब्रांड का नाम "केस" है (जिसे इसमें इसके पश्चात् माडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/2002/99 समनुदेशित किया गया है, अनुमोदन प्रमाणपत्र प्रकाशित करती है।

उक्त माडल (नीचे दी गई आकृति) एक लोड सेल आधारित—तोलन उपकरण है इसकी अधिकतम क्षमता 200 कि.ग्रा. और न्यूनतम क्षमता 2 कि. ग्रा. है सत्यापन मापमान अंतराल (ई) का मान 100 ग्रा. है। इसमें एक आधेयतुलन युक्ति है जिसका शत प्रतिशत व्यवकलनात्मक धारित आधेयतुलन प्रभाव है। द्रवित क्रिस्टल डायोड (एलसीडी) प्रदर्श तोलन परिणाम उपदर्शित करता है। उपकरण 230 वोल्ट और 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।



और, केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उपधारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि माँडल के इस अनुमोदन प्रमाणपत्र के अंतर्गत, उसी श्रृंखला के उसी मेक, यथार्थता और कार्यपालन वाले ऐसे तोलन उपकरण भी होंगे जिनकी अधिकतम क्षमता 500 कि. ग्रा. तक है और जिनका विनिर्माण उसी विनिर्माता द्वारा उसी सिद्धान्त, डिजाइन और उसी सामग्री से किया जाता है जिससे अनुमोदित माँडल का विनिर्माण किया गया है और जिनके सत्यापन मापमान अन्तराल (एन) की संख्या 5 ग्राम या अधिक के "ई" मान के लिए 500 से 10,000 की रेंज में है तथा जिनका "ई" मान 1×10^{-3} , 2×10^{-3} या 5×10^{-3} है जिसमें के धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य हैं।

[फा० सं० डब्ल्यू०एम०-21(10)/2000]

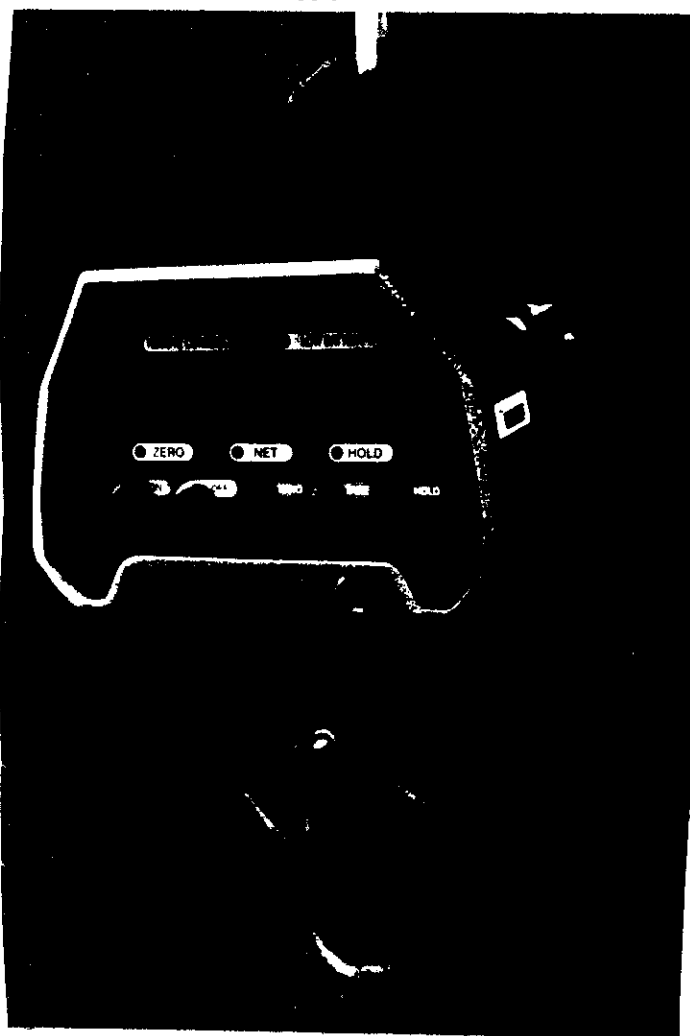
पी० ए० कृष्णमूर्ति, निदेशक, विधिक माप विज्ञान

New Delhi, the 17th January, 2003

S.O. 263.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the model described in the said report (see figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weight and Measures (Approval of Models) Rules, 1987 and the said model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by Sub-section (7) and Sub-section (8) of Section 36 of the said Act, the Central Government hereby issued and publishes the certificate of approval of the model of the self-indicating, non-automatic (Crane scale type) weighing instrument with digital indication of "CASTON" series of medium accuracy (Accuracy class III) and with brand name "CAS" (herein referred to as the model) manufactured by M/s. CAS Weighing India Private Limited, 568, Udyog Vihar, Phase V, Gurgaon-122 016, Haryana and which is assigned the approval mark IND/09/2002/99.

The said model (see the figure given below) is a load cell based weighing instrument with a maximum capacity of 200 kg and minimum capacity of 2 kg. The verification scale interval value (e) is 100 g. It has a tare device with a 100 per cent subtractive retained tare effect. The Liquid crystal Diode display indicates the weighing result. The instrument operates on 230 volts and 50-Hertz alternate current power supply.



Further, in exercise of the powers conferred by Sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the model shall also cover the weighing instrument of similar make and performance of same series with maximum capacity upto 500 kg and with number of verification scale interval (n) in the range 500 to 10,000 for 'e' value of 5g or more and with 'c' value 1×10^k , 2×10^k or 5×10^k , k being the positive or negative whole number or equal to zero manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the approved model have been manufactured.

[F. No. WM-21(10)/2000]

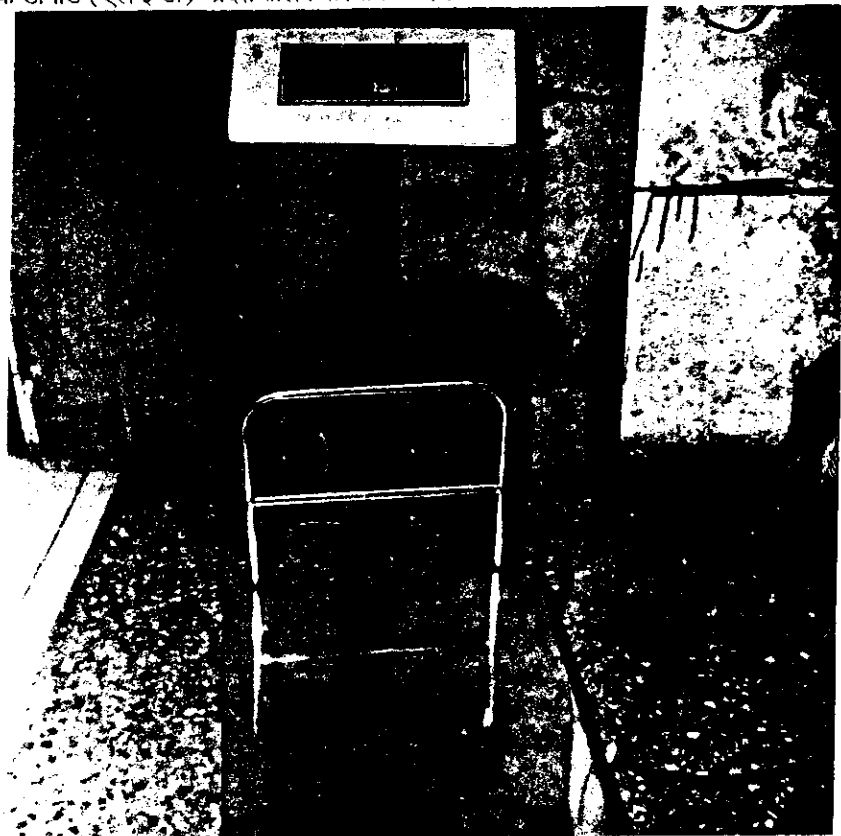
P.A. KRISHNAMOORTHY, Director, Legal Metrology

नई दिल्ली, 17 जनवरी, 2003

का. आ. 264.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात्, यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित माडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट तथा माप मानक (माडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त माडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः अब केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उपधारा (7) और उपधारा (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मैसर्स फाइव स्टार वैजिंग सिस्टम, 12 साई नगर, एकता नगर के पास, नकाजे रोड, दियोपुर, धुले-424001 द्वारा विनिर्मित मध्यम यथार्थता (यथार्थता वर्ग 3) वाले "एफ एस" शृंखला के स्वतः सूचक अस्वचालित तोलन उपकरण (प्लेट फार्म प्रकार) के माडल का, जिसके ब्रांड का नाम "फाइव स्टार" है (जिसे इसमें इसके पश्चात् उक्त माडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/2002/92 समनुदेशित किया गया है, अनुमोदन प्रमाणपत्र जारी और प्रकाशित करती है।

उक्त माडल नीचे दी गई आकृति देखें (भार सेल पर आधारित—तोलन उपकरण है) जिसकी अधिकतम क्षमता 60 कि.ग्रा. और न्यूनतम क्षमता 200 ग्रा. है सत्यापन मापमान अंतराल (ई) का मान 10 ग्रा. है। इसमें एक आधेयतुलन युक्ति है जिसका शत प्रतिशत व्यवकलनात्मक धारित आधेयतुलन प्रभाव है। प्रकाश उत्सर्जक डायोड (एल ई डी) प्रदर्श तोलन परिणाम उपदर्शित करता है। उपकरण 230 वोल्ट और 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।



और, केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उपधारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि माडल के इस अनुमोदन प्रमाणपत्र के अंतर्गत, उसी शृंखला के उसी मेक, यथार्थता और कार्यपालन वाले ऐसे तोलन उपकरण भी होंगे जिनकी अधिकतम क्षमता 300 कि. ग्रा. तक है। और जिनका विनिर्माण उसी विनिर्माता द्वारा उसी सिद्धान्त, डिजाइन और उसी सामग्री से किया जाता है जिससे अनुमोदित माडल का विनिर्माण किया गया है और जिनके सत्यापन मापमान अन्तराल (एन) की संख्या 5 ग्राम या अधिक के "ई" मान के लिए 500 से 10,000 की रेंज में है तथा जिनका "ई" मान 1×10^3 , 2×10^3 या 5×10^3 है जिसमें 'के' धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य है।

[फा० सं० डब्ल्यू०एम०-21(45)/2000]

पी० ए० कृष्णमूर्ति, निदेशक, विधिक माप विज्ञान

New Delhi, the 17th January, 2003

S.O. 264.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weight and Measures (Approval of Models) Rules, 1987 and the said model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by Sub-section (7) and Sub-section of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the model of the self-indicating, non-automatic (Platform type) weighing instrument with digital indication of "FS" series of medium accuracy (Accuracy class III) and with brand name "FIVE STAR" (hereinafter referred to as the said model) manufactured by M/s. Five Star Weighing system, 12, Sai Nagar, Near Ekta Nagar, Nakane Road, Deopur, Dhule-424001 and which is assigned the approval mark IND/09/2002/92;

The said model (see the figure given below) is a load cell based weighing instrument with a maximum capacity of 60 kg and minimum capacity of 200g. The verification scale interval value (e) is 10g. It has a tare device with a 100 percent subtractive retained tare effect. The Light emitting Diode display indicates the weighing result. The instrument operates on 230 volts and 50-Hertz alternate current power supply;



Further, in exercise of the powers conferred by sub-section (12) of section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said model shall also cover the weighing instrument of similar make accuracy and performance of same series with maximum capacity upto 300 kg and with number of verification scale interval(n) in the range of 500 to 10,000 for 'e' value of 5g or more and with 'e' value of 1×10^k , 2×10^k or 5×10^k k being the positive or negative whole number or equal to zero, manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which the said model have been manufactured.

[F. No. WM-21(45)/2000]

P.A. KRISHNAMOORTHY, Director of Legal Metrology

नई दिल्ली, 17 जनवरी, 2003

का. आ. 265.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात्, यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट तथा माप मानक (मॉडलों का अनुमोदन, नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः अब केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उपधारा (7) और उपधारा (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मैसर्स इलेक्ट्रो इक्विपमेंट्स, 30/37 बी, पहला तल, न्यू हरिद्वार रोड, आदर्श नगर, ग्रीनवेज स्कूल के सामने, रुडकी-247667 (उ.प्र.) द्वारा विनिर्मित मध्यम यथार्थता (यथार्थता वर्ग 3) वाले “ई ई टी” श्रृंखला के अस्वचालित, अंकक सूचन सहित तोलन उपकरण (प्लेटफार्म प्रकार) के मॉडल का, जिसके ब्रांड का नाम “लक्ष्मी” है जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है और जिसे अनुमोदन चिह्न आई एन डी/09/2002/108 समनुदेशित किया गया है, अनुमोदन प्रमाणपत्र जारी और प्रकाशित करती है।

उक्त मॉडल नीचे दी गई आकृति देखें (लोड सेल आधारित—अस्वचालित तोलन उपकरण है) जिसकी अधिकतम क्षमता 50 कि.ग्रा. और न्यूनतम क्षमता 400 ग्रा. है। सत्यापन मापमान अंतराल (ई) का मान 20 ग्रा. है। इसमें एक आधेयतुलन युक्ति है जिसका शत प्रतिशत व्यवकलनात्मक धारित आधेयतुलन प्रभाव है। प्रकाश उत्सर्जक डायोड (एल ई डी) प्रदर्श तोलन परिणाम उपदर्शित करता है। उपकरण 230 वोल्ट और 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।



और, केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उपधारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि मॉडल के इस अनुमोदन प्रमाणपत्र के अंतर्गत, उसी श्रृंखला के उसी मेक, यथार्थता और कार्यपालन वाले ऐसे तोलन उपकरण भी होंगे जिनकी अधिकतम क्षमता 300 कि. ग्रा. तक है। और जिनका विनिर्माण उसी विनिर्माता द्वारा उसी सिद्धान्त, डिजाइन और उसी सामग्री से किया जाता है जिससे अनुमोदित मॉडल का विनिर्माण किया गया है और जिनके सत्यापन मापमान अन्तराल (एन) की संख्या 10,000 (एन \leq 10,000) है तथा जिनका “ई” मान 1×10^3 , 2×10^3 या 5×10^3 है जिसमें ‘के’ घनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य है।

[फा० सं० डब्ल्यू०एम०-21(46)/2000]

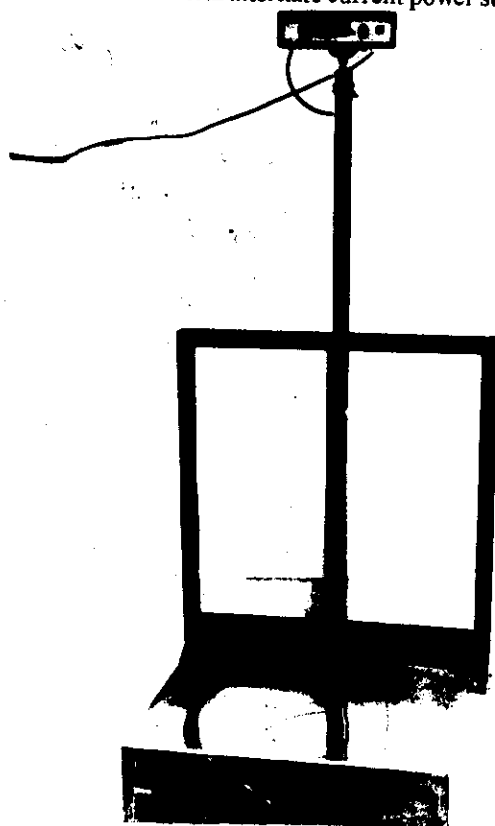
पी० ए० कृष्णमूर्ति, निदेशक, विधिक माप विज्ञान

New Delhi, the 17th January, 2003

S.O. 265.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standard of Weight and Measures (Approval of Modes) Rules, 1987 and the said model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-section (7) and sub-section (8) of section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the model of the non- automatic weighing instrument with digital indication (Platform type) belonging to Medium Accuracy (Accuracy class III) of EEP series with brand name "LAKSHMI" (hereinafter referred to as the said model) manufactured by M/s. Electro Equipments, 30/37B, 1st floor, New Hardiwar Road, Adarsh Nagar, before Greenways School, Roorkee-247667(U.P.) and which is assigned the approval mark IND/09/2002/108;

The said model (see the figure below) is a load cell based non-automatic weighing instrument. The maximum capacity is 50 kg. and minimum capacity of 400g. The value of verification scale interval value (e) is 20g. It has a tare device with a 100 percent subtractive retained tare effect. The Light Emitting Diode (LED) display indicates the weighing result. The instrument operates on 230 volts and 50-Hertz alternate current power supply;



Further, in exercise of the powers conferred by sub-section (12) of section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said model shall also cover the weighing instruments of similar make accuracy and performance of same series with having maximum capacity upto 300 kg and with number of verification scale (n) upto 10,000 ($n \leq 10,000$) and with 'e' value of 1×10^k , 2×10^k or 5×10^k k being a positive or negative whole number or equal to zero manufactured by the same manufacturer with the same principle, design and with the same materials with which, the approved said model has been manufactured.

[F. No. WM-21(46)/2000]

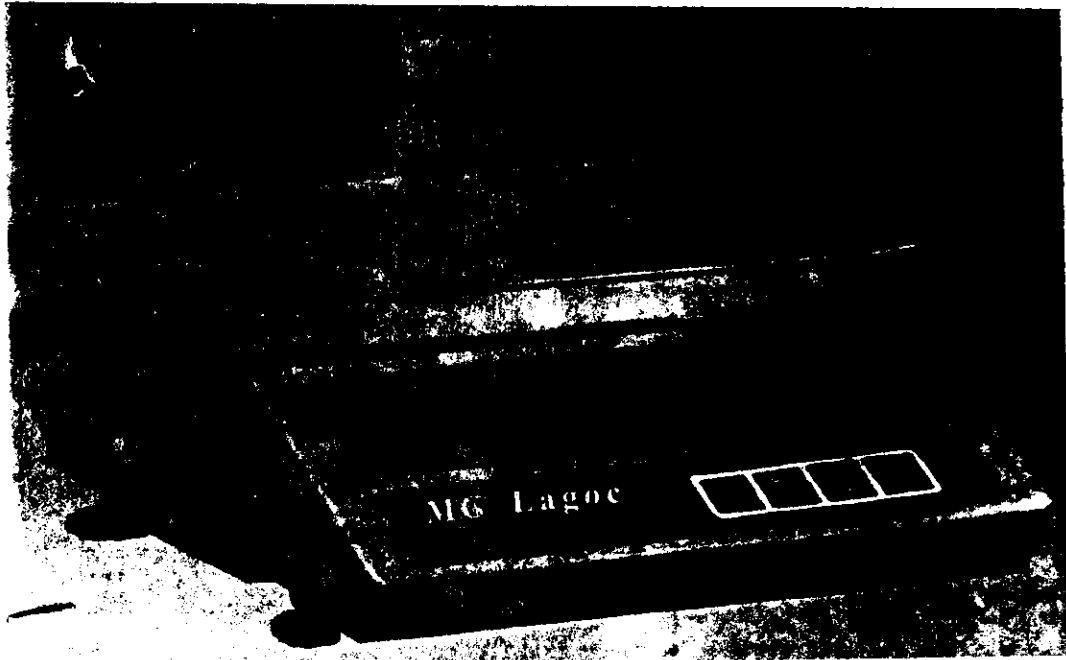
P.A. KRISHNAMOORTHY, Director of Legal Metrology

नई दिल्ली, 17 जनवरी, 2003

का. आ. 266.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात्, यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित माडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट तथा माप मानक (माडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त माडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः अब केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उपधारा (7) और उपधारा (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मैसर्स एम. जी. लॉक सिस्टम, 11/33, कैपासनी हाउसिंग बोर्ड, जोधपुर (राजस्थान) द्वारा विनिर्मित उच्च यथार्थता (यथार्थता वर्ग 2) वाले "एल टी" श्रृंखला के अस्वचालित, तोलन उपकरण (टेबल टॉप प्रकार) के माडल का, जिसके ब्रांड का नाम "एम जी लॉक" है (जिसे इसमें इसके पश्चात् उक्त माडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/2002/110 समनुदेशित किया गया है, अनुमोदन प्रमाणपत्र जारी और प्रकाशित करती है;

उक्त माडल (नीचे दी गई आकृति देखें) भार सेल पर आधारित अस्वचालित तोलन उपकरण है। इसकी अधिकतम क्षमता 22 कि.ग्रा. और न्यूनतम क्षमता 100 ग्रा. है। सत्यापन मापमान अंतराल (ई) का मान 2 ग्रा. है। इसमें एक आधेयतुलन युक्ति है जिसका शत प्रतिशत व्यवकलनात्मक धारित आधेयतुलन प्रभाव है। प्रकाश उत्सर्जक डायोड (एल ई डी) प्रदर्श तोलन परिणाम उपदर्शित करता है। उपकरण 230 वोल्ट और 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।



और, केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उपधारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि माँडल के इस अनुमोदन प्रमाणपत्र के अंतर्गत, उसी श्रृंखला के उसी मेक, यथार्थता और कार्यपालन वाले ऐसे तोलन उपकरण भी होंगे जिनकी अधिकतम क्षमता 50 कि. ग्रा. तक है और जिनका विनिर्माण उसी विनिर्माता द्वारा उसी सिद्धान्त, डिजाइन और उसी सामग्री से किया जाता है जिससे अनुमोदित माँडल का विनिर्माण किया गया है और जिनके सत्यापन मापमान अन्तराल (एन) की संख्या 1 मि.ग्रा. से 50 मि.ग्रा. के "ई" मान के लिए 100 से 50,000 की रेंज में है तथा 100 मि.ग्रा. या अधिक के "ई" मान के लिए 5,000 से 50,000 की रेंज में है तथा जिनका "ई" मान 1×10^3 , 2×10^3 या 5×10^3 है जिसमें 'के' धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य है।

[फा० सं० डब्ल्यू०एम०-21(71)/2000]

पी० ए० कृष्णामूर्ति, निदेशक, विधिक माप विज्ञान

New Delhi, the 17th January, 2003

S.O. 266.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-section (7) and sub-section (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the model of the non-automatic weighing instrument (Table Top type) belonging to High Accuracy (Accuracy Class II) of 'LT' series (herein referred to as the said model) with brand name 'MG LAGOC' manufactured by M/s. M.G. Lagoc System, 11/33, Capasani Housing Board, Jodhpur (Rajasthan)-342006 and which is assigned the approval mark IND/09/2002/110;

The said model (see the figure given below) is a load cell based non-automatic weighing instrument. The maximum capacity of 22Kg and minimum capacity of 100g. The value of verification scale interval (e) is 2g. It has a tare device with a 100 percent subtractive retained tare effect. The Light Emitting Diode (LED) display indicates the weighing result. The instrument operates on 230 volts and 50 Hertz alternate current power supply.



Further, in exercise of the powers conferred by sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said model shall also cover the weighing instruments of similar make, accuracy and performance of same series with having maximum capacity upto 50 kg with number of verification scale (n) in the range of 100 to 50,000 for 'e' value of 1 mg to 50 mg and with number of verification scale interval (n) in the range of 5,000 to 50,000 for 'e' value 100mg or more and with 'e' value 1×10^k , 2×10^k or 5×10^k k being a positive or negative whole number or equal to zero manufactured by the same manufacturer with the same principle, design and with the same materials with which the approved said model has been manufactured.

[F. No. WM-21(71)/2000]

P.A. KRISHNAMOORTHY, Director, Legal Metrology

नई दिल्ली, 17 जनवरी, 2003

का. आ. 267.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात्, यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित माडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट तथा माप मानक (माडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त माडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः अब केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उपधारा (7) और उपधारा (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मैसर्स एम. जी. लर्गॉक सिस्टम, 11/33, कैपासनी हाउसिंग बोर्ड, जोधपुर (राजस्थान) द्वारा विनिर्मित मध्यम यथार्थता (यथार्थता वर्ग 3) वाले “एल पी” श्रृंखला के अस्वचालित, तोलन उपकरण (प्लेट फार्म प्रकार) के माडल का, जिसके ब्रांड का नाम “एम जी लर्गॉक” है जिसे इसमें इसके पश्चात् उक्त माडल कहा गया है और जिसे अनुमोदन चिह्न आई एन डी/09/2002/111 समनुदेशित किया गया है, अनुमोदन प्रमाणपत्र प्रकाशित करती है;

उक्त माडल (नीचे दी गई आकृति देखें) एक अस्वचालित तोलन उपकरण है। इसकी अधिकतम क्षमता 50 कि.ग्रा. और न्यूनतम क्षमता 100 ग्रा. है। सत्यापन मापमान अंतराल (ई) का मान 5 ग्रा. है। इसमें एक आधेयतुलन युक्ति है जिसका शत प्रतिशत व्यवकलनात्मक धारित आधेयतुलन प्रभाव है। प्रकाश उत्सर्जक डायोड (एल ई डी) प्रदर्श तोलन परिणाम उपदर्शित करता है। उपकरण 230 वोल्ट और 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।



और, केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उपधारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि माँडल के इस अनुमोदन प्रमाणपत्र के अंतर्गत, उसी श्रृंखला के उसी मेक, यथार्थता और कार्यपालन वाले ऐसे तोलन उपकरण भी होंगे जिनकी अधिकतम क्षमता 300 कि. ग्रा. तक है और जिनका विनिर्माण उसी विनिर्माता द्वारा उसी सिद्धान्त, डिजाइन और उसी सामग्री से किया जाता है जिससे अनुमोदित माँडल का विनिर्माण किया गया है और जिनके सत्यापन मापमान अन्तराल (एन) की संख्या 5 ग्रा. या अधिक के “ई” मान के लिए 500 से 10,000 की रेंज में है तथा जिनका “ई” मान 1×10^{-3} , 2×10^{-3} या 5×10^{-3} है जिसमें ‘के’ धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य है।

[फा० सं० डब्ल्यू०एम०-21(71)/2000]

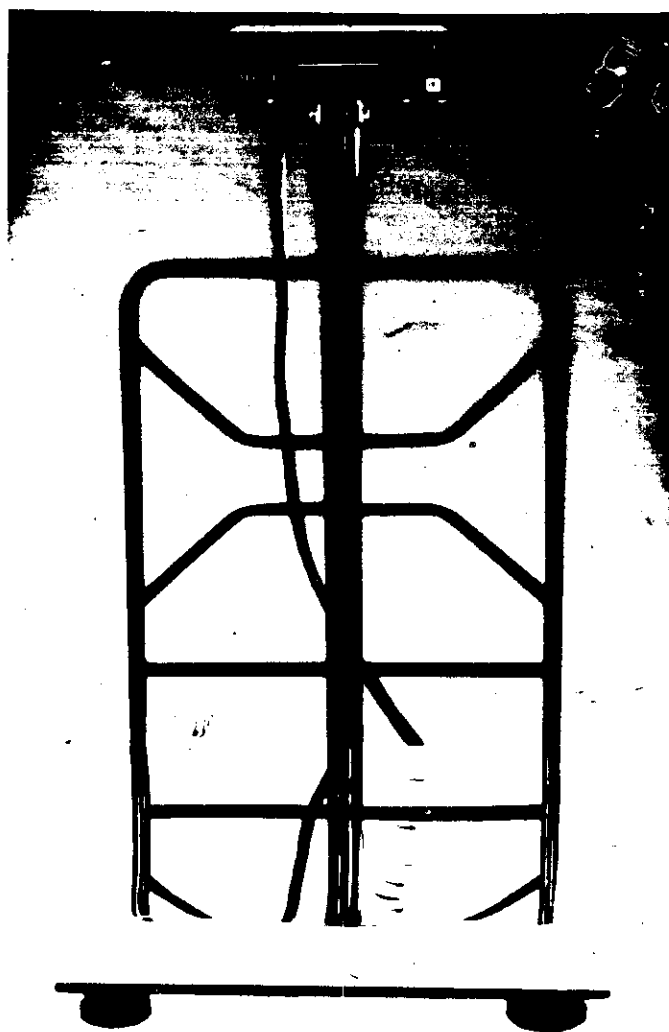
पी० ए० कृष्णामूर्ति, निदेशक, विधिक माप विज्ञान

New Delhi, the 17th January, 2003

S.O. 267.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weight and Measures (Approval of Models) Rules, 1987 and the said model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-section (7) and sub-section (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the model of the non-automatic weighing instrument (Plate form type) belonging to Medium Accuracy (Accuracy Class III) (herein referred to as the said model) of 'LP' series with brand name 'MG LAGOC' manufactured by M/s. M.G. Lagoc System, 11/33, Capasani Housing Board, Jodhpur (Rajasthan)-342006 and which is assigned the approval mark IND/09/2002/111;

The said model (see the figure given below) is a load cell based non-automatic weighing instrument. The maximum capacity is 50kg and minimum capacity of 100g. The value of verification scale interval value (e) is 5g. It has a tare device with a 100 percent subtractive retained tare effect. The Light Emitting Diode (LED) display indicates the weighing result. The instrument operates on 230 volts and 50 Hertz alternate current power supply.



Further, in exercise of the powers conferred by sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said model shall also cover the weighing instruments of similar make, accuracy and performance of same series with having maximum capacity upto 300kg. and with number of verification scale interval (n) in the range of 500 to 10,000 for 'e' value of 5g. or more and with 'e' value 1×10^k , 2×10^k or 5×10^k , k being a positive or negative whole number or equal to zero manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which the said approved model has been manufactured.

[F. No. WM-21(71)/2000]

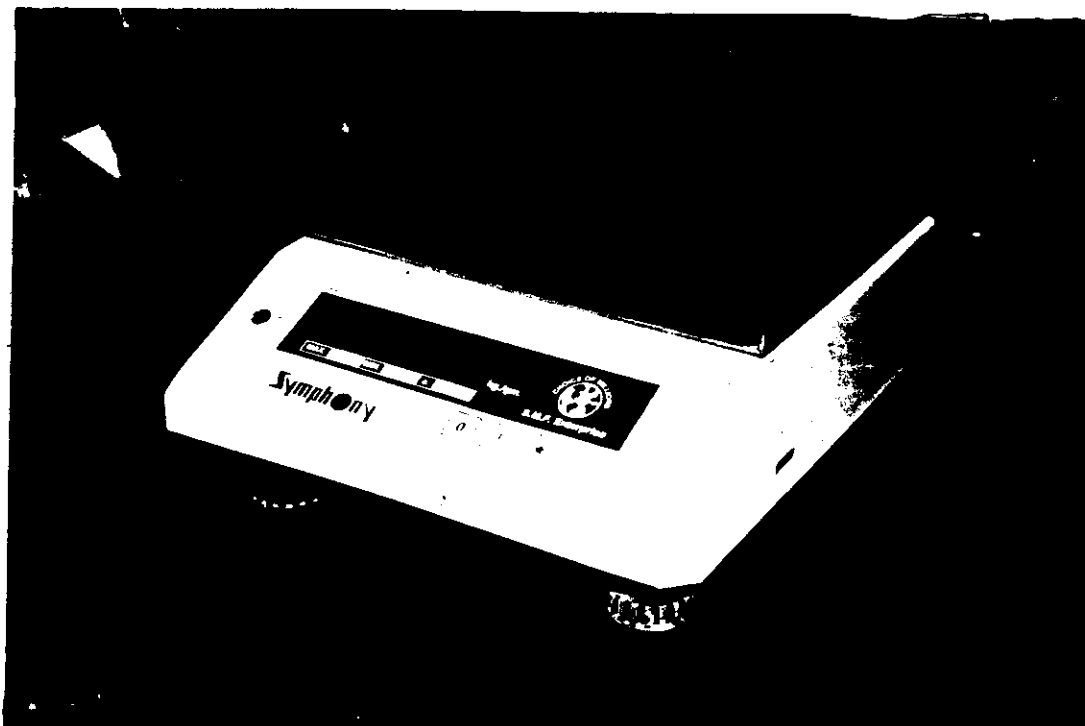
P. A. KRISHNAMOORTHY, Director of Legal Metrology

नई दिल्ली, 17 जनवरी, 2003

का. आ. 268.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात्, यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट तथा माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः अब केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उपधारा (7) और उपधारा (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मैसर्स एस एम एफ इंटरप्राइज, सी /21, हिम्मत नगर कॉर्पोरेटिव हाउसिंग सोसाइटी, गुलिस्तान - बोस्टन सोसाइटी के पास और टेलीफोन होटल के पीछे झुहुपुरा, अहमदाबाद-380051 द्वारा विनिर्मित मध्यम यथार्थता (यथार्थता वर्ग 3) वाले "एस एम टी" श्रृंखला के स्वतः सूचक अस्वचालित, अंकक सूचन सहित तोलन उपकरण (टेबल टॉप प्रकार) के माडल का, जिसके ब्रांड का नाम "सिम्फोनी" है जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है और जिसे अनुमोदन चिह्न आई एन डी/09/2002/114 समनुदेशित किया गया है, अनुमोदन प्रमाणपत्र जारी और प्रकाशित करती है।

उक्त माडल (नीचे दी गई आकृति देखें) विकृतिमापी भार सेल पर आधारित तोलन उपकरण है जिसकी अधिकतम क्षमता 20 कि.ग्रा. और न्यूनतम क्षमता 40 ग्रा. है सत्यापन मापमान अंतराल (ई) का मान 2 ग्रा. है। इसमें एक आधेयतुलन युक्ति है जिसका शत प्रतिशत व्यवकलनात्मक धारित आधेयतुलन प्रभाव है। प्रकाश उत्सर्जक डायोड (एल ई डी) प्रदर्श तोलन परिणाम उपदर्शित करता है। उपकरण 230 बोल्ट और 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।



और, केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उपधारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि मॉडल के इस अनुमोदन प्रमाणपत्र के अंतर्गत, उसी श्रृंखला के उसी मेक, यथार्थता और कार्यपालन वाले ऐसे तोलन उपकरण भी होंगे जिनकी अधिकतम क्षमता 50 कि. ग्रा. तक है और जिनका विनिर्माण उसी विनिर्माता द्वारा उसी सिद्धान्त, डिजाइन और उसी सामग्री से किया जाता है जिससे अनुमोदित मॉडल का विनिर्माण किया गया है और जिनके सत्यापन मापमान अन्तराल (एन) की संख्या 100 मि. ग्रा. से 2 ग्राम के "ई" मान के लिए 100 से 10,000 की रेंज में है और 5 ग्राम या अधिक के "ई" मान के लिए 500 से 10,000 की रेंज में है तथा जिनका "ई" मान 1×10^3 , 2×10^3 या 5×10^3 है जिसमें 'के' घनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य है।

[फा० सं० डब्ल्यू०एम०-21(83)/2000]

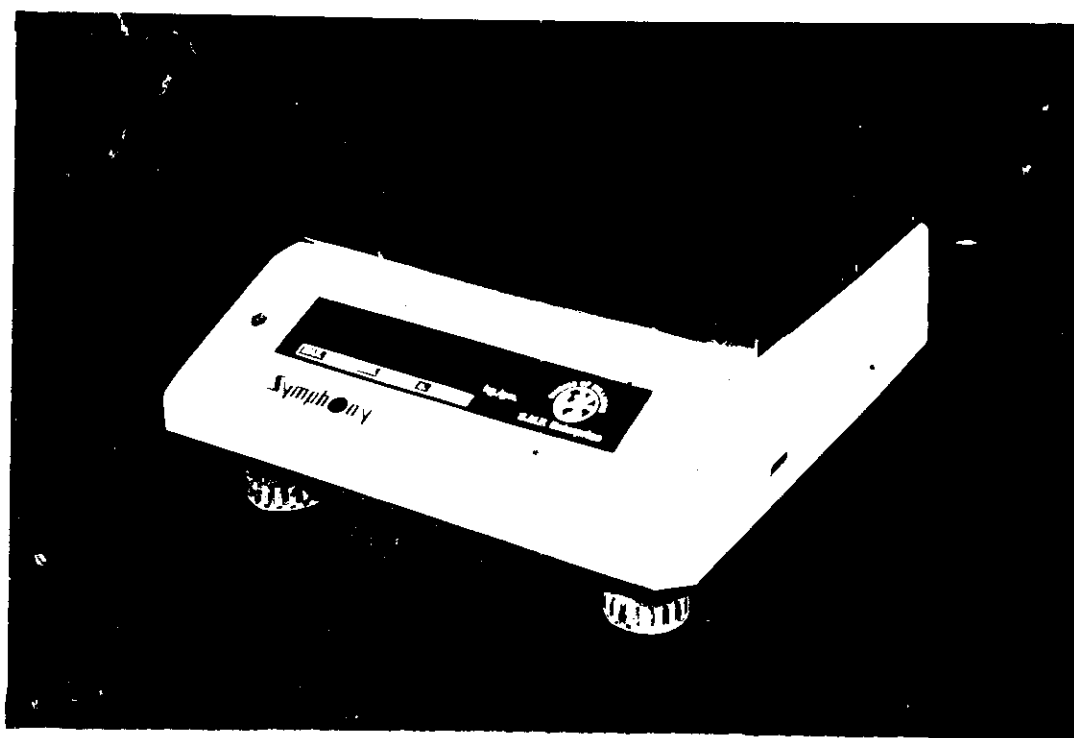
पी० ए० कृष्णामूर्ति, निदेशक, विधिक माप विज्ञान

New Delhi, the 17th January, 2003

S.O. 268.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions.

Now, therefore, in exercise of the powers conferred by sub-section (7) and sub-section (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the model of the self-indicating, non-automatic (Table top type), weighing instrument with digital indicator of "SMT" series of Medium Accuracy (Accuracy Class III) and with brand name "SYMPHONY" (hereinafter referred to as the said model), manufactured by M/s. S.M.F Enterprise, C/21, Himmat Nagar Co-op Housing Society, Near Culisatan - Bostan Society, Behind Telephone Hotel, Juhapura, Ahmedabad-380051 and which is assigned the approval mark IND/09/2002/114;

The said model (see the figure given below) is a strain gauge load cell based weighing instrument with a maximum capacity of 20kg and minimum capacity of 40g. The verification scale interval value (e) is 2g. It has a tare device with a 100 per cent subtractive retained tare effect. The Light Emitting Diode display indicates the weighing result. The instrument operates on 230 volts and 50 Hertz alternate current power supply;



Further, in exercise of the powers conferred by sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said model shall also cover the weighing instruments of similar make, and performance of same series with maximum capacity upto 50kg and with number of verification scale interval (n) in the range of 100 to 10,000 for 'e' value of 100mg to 2g and with number of verification scale interval (n) in the range of 500 to 10000 for 'e' value of 5g or more and with 'e' value 1×10^k , 2×10^k or 5×10^k , k being the positive or negative whole number or equal to zero manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the approved said model has been manufactured.

[F. No. WM-21(83)/2000]

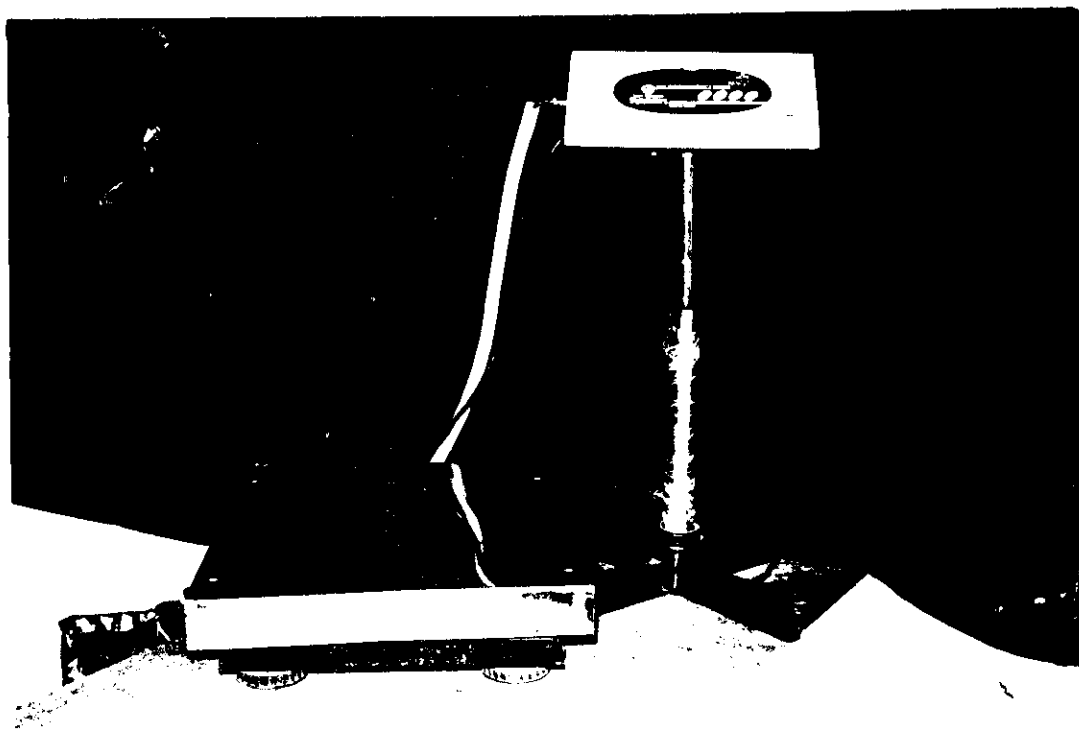
P. A. KRISHNAMOORTHY, Director of Legal Metrology

नई दिल्ली, 17 जनवरी, 2003

का. आ. 269.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात्, यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट तथा माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप हैं और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः अब केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उपधारा (7) और उपधारा (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मैसर्स एस एम एफ इंटरप्राइज, सी /21, हिम्मत नगर कॉर्पोरेटिव हाउसिंग सोसाइटी, गुलिस्तान - बोस्टन सोसाइटी के पास और टेलीफोन होटल के पीछे झुपुरा, अहमदाबाद-380051 द्वारा विनिर्मित मध्यम यथार्थता (यथार्थता वर्ग 3) वाले "एम एफ पी" श्रृंखला के स्वतः सूचक अस्वचालित, अंकक सूचन सहित तोलन उपकरण (प्लेट फार्म प्रकार) के मॉडल का, जिसके ब्रांड का नाम "सिम्फोनी" है जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है और जिसे अनुमोदन चिह्न आई एन डी/09/2002/115 समनुदेशित किया गया है, अनुमोदन प्रमाणपत्र जारी और प्रकाशित करती है।

उक्त मॉडल (नीचे दी गई आकृति देखें) विकृतिमापी भार सेल पर आधारित तोलन उपकरण है। इसकी अधिकतम क्षमता 50 कि.ग्रा. और न्यूनतम क्षमता 100 ग्रा. है। सत्यापन मापमान अंतराल (ई) का मान 5 ग्रा. है। इसमें एक आधेयतुलन युक्ति है जिसका शत प्रतिशत व्यवकलनात्मक धारित आधेयतुलन प्रभाव है। प्रकाश उत्सर्जक डायोड (एल ई डी) प्रदर्श तोलन परिणाम उपदर्शित करता है। उपकरण 230 वोल्ट और 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।



और, केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उपधारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि मॉडल के इस अनुमोदन प्रमाणपत्र के अंतर्गत, उसी श्रृंखला के उसी मेक, यथार्थता और कार्यपालन वाले ऐसे तोलन उपकरण भी होंगे जिनकी अधिकतम क्षमता 300 कि. ग्रा. तक है और जिनका विनिर्माण उसी विनिर्माता द्वारा उसी सिद्धान्त, डिजाइन और उसी सामग्री से किया जाता है जिससे अनुमोदित मॉडल का विनिर्माण किया गया है, और जिनके सत्यापन मापमान अन्तराल (एन) की संख्या 5 ग्राम या अधिक के "ई" मान के लिए 500 से 10,000 की रेंज में है तथा जिनका "ई" मान 1×10^{-3} , 2×10^{-3} या 5×10^{-3} है जिसमें 'के' धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य है।

[फा० सं० डब्ल्यू०एम०-21(83)/2000]

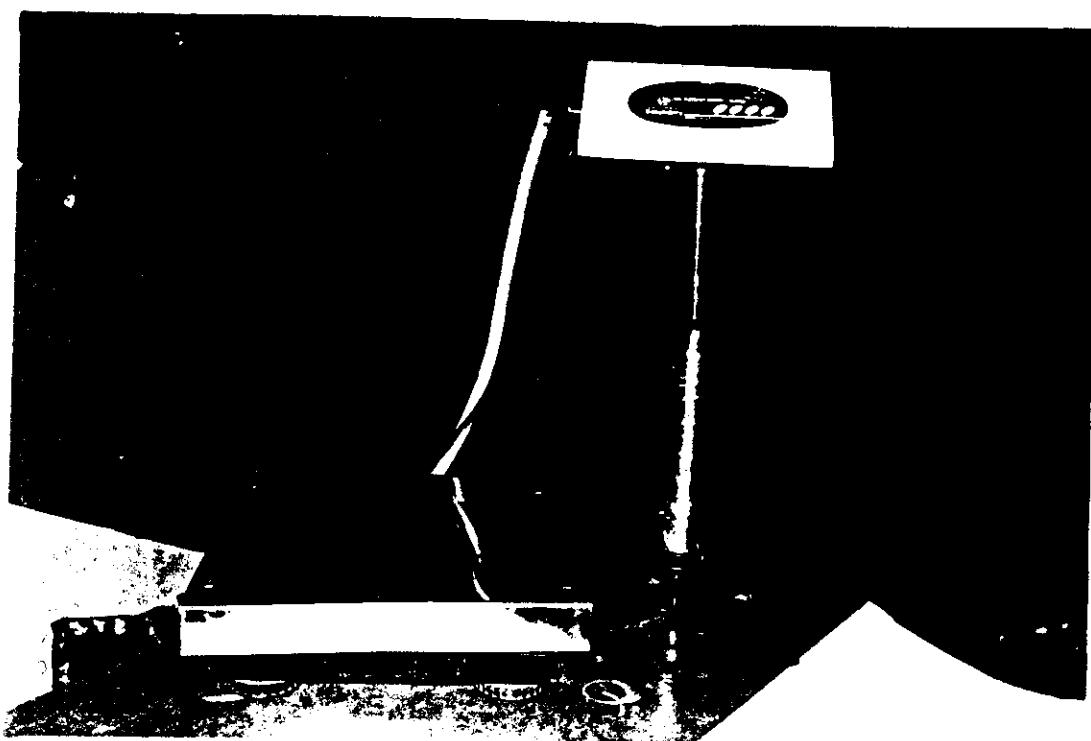
पी० ए० कृष्णामूर्ति, निदेशक, विधिक. माप विज्ञान

New Delhi, the 17th January, 2003

S.O. 269.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Model) Rules, 1987 and the said model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions.

Now, therefore, in exercise of the powers conferred by sub-section (7) and sub-section (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the model of the self-indicating, non-automatic (Platform type), weighing instrument with digital indicator of "MFP" series of Medium Accuracy (Accuracy Class III) and with brand name "SYMPHONY" (hereinafter referred to as the model), manufactured by M/s. S.M.F Enterprise, C/21, Himmat Nagar Co-op Housing Society, Near Gulistan - Bostan Society, Behind Telephone Hotel, Juhapura, Ahmedabad-380051 and which is assigned the approval mark IND/09/2002/115;

The said model (see the figure given below) is a strain gauge load cell based weighing instrument with a maximum capacity of 50kg and minimum capacity of 100g. The verification scale interval value (e) is 5g. It has a tare device with a 100 per cent subtractive retained tare effect. The Light Emitting Diode display indicates the weighing result. The instrument operates on 230 volts and 50 Hertz alternate current power supply;



Further, in exercise of the powers conferred by sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said model shall also cover the weighing instruments of similar make, and performance of same series with maximum capacity upto 300kg and with number of verification scale interval (n) in the range of 500 to 10,000 for 'e' value of 5g or more and with 'e' value 1×10^k , 2×10^k or 5×10^k , k being the positive or negative whole number or equal to zero, manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the approved said model has been manufactured.

[F. No. WM-21(83)/2000]

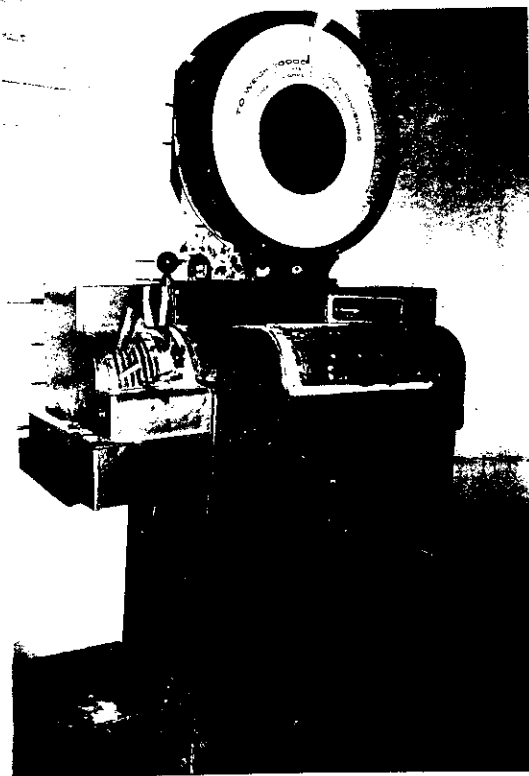
P.A. KRISHNAMOORTHY, Director of Legal Metrology

नई दिल्ली, 17 जनवरी, 2003

का. आ. 270.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात्, यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट तथा माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः अब केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उपधारा (7) और उपधारा (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मैसर्स टेक-वेल इंजीनियरिंग कम्पनी प्राइवेट लिमिटेड, जे - 163, एम आई डी सी औद्योगिक क्षेत्र, भो सराय, पुणे - 410026 द्वारा विनिर्मित मध्यम यथार्थता (यथार्थता वर्ग 3) वाले "टेक - वेल" श्रृंखला के स्वतः सूचक, अस्वचालित, अंकक सूचन सहित तोलन उपकरण (टिकट रिकार्डर सहित यांत्रिक भार ब्रिज डायल प्रकार) के मॉडल का, जिसके ब्रांड का नाम "टेक-वेल" है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/2002/109 समनुदेशित किया गया है, अनुमोदन प्रमाणपत्र जारी और प्रकाशित करती है।

उक्त मॉडल (नीचे दी गई आकृति देखें) एक अस्वचालित तोलन उपकरण है। इसकी अधिकतम क्षमता 20 टन और न्यूनतम क्षमता 200 कि. ग्रा. है। सत्यापन मापमान अंतराल (ई) का मान 10 कि. ग्रा. है। इसमें एक आधेयतुलन युक्ति है जिसका शत प्रतिशत व्यवकलनात्मक धारित आधेयतुलन प्रभाव है। प्रकाश उत्सर्जक डायोड (एल ई डी) प्रदर्श तोलन परिणाम उपदर्शित करता है। उपकरण 230 वोल्ट और 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।



और, केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उपधारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि मॉडल के इस अनुमोदन प्रमाणपत्र के अंतर्गत, उसी श्रृंखला के उसी मेक, यथार्थता और कार्यपालन वाले ऐसे तोलन उपकरण भी होंगे जिनकी अधिकतम क्षमता 5 टन तक है और जिनका विनिर्माण उसी विनिर्माता द्वारा उसी सिद्धान्त, डिजाइन और उसी सामग्री से किया जाता है जिससे अनुमोदित मॉडल का विनिर्माण किया गया है, और जिनके सत्यापन मापमान अन्तराल (एन) की संख्या 5 कि. ग्रा. या अधिक के "ई" मान के लिए 500 से 10,000 की रेंज में है तथा जिनका "ई" मान $1 \times 10^*$, $2 \times 10^*$ या $5 \times 10^*$ है जिसमें 'के' धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य है।

[फा० सं० डब्ल्यू०एम०-21(90)/2000]

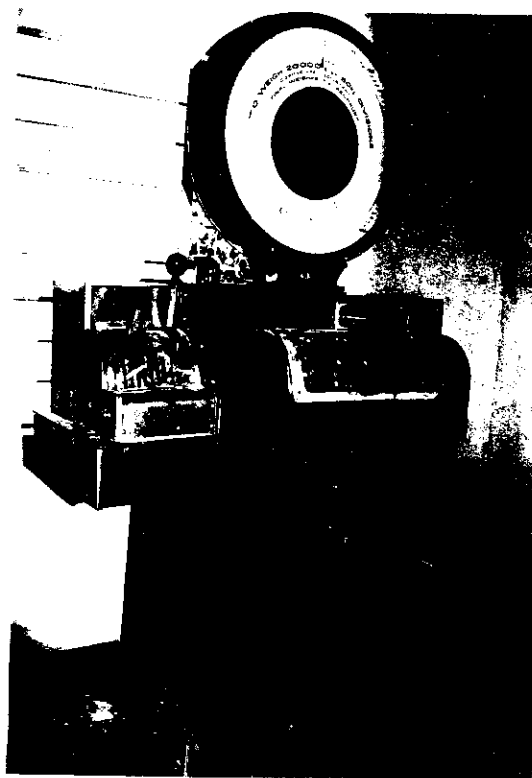
पी० ए० कृष्णामूर्ति, निदेशक, विधिक माप विज्ञान

New Delhi, the 17th January, 2003

S.O. 270.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-section (7) and sub-section (8) of section 36 of the said Act, the Central Government hereby publishes the certificate of approval of the model of the self-indicating, non-automatic (Mechanical weigh bridge Dial type with ticket recorder) weighing instrument of Medium Accuracy (Accuracy Class III) belonging to 'TECH-WELL' series and with brand name "TECH-WELL" (hereinafter referred to as the said model), manufactured by M/s. Tech-Well Engineering Co. Private Limited, J-163, MIDC Industrial Estate, Bhosarai, Pune-411026 and which is assigned the approval mark IND/09/2002/109;

The said model (see the figure given below) is a non-automatic (mechanical weigh bridge dial type with ticket recorder) weighing instrument with a maximum capacity of 20 tonne and minimum capacity of 200 kg. The verification scale interval (e) value is 10kg. It has a tare device with a 100 percent subtractive retained tare effect. The Light Emitting Diode display indicates the weighing result. The instrument operates on 230 volts and 50-Hertz alternate current power supply.



Further, in exercise of the power conferred by Sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said model shall also cover the weighing instruments of similar make, accuracy and performance of same series with maximum capacity above 5 tonne and with number of verification scale interval (n) in the range of 500 to 10,000 for 'e' value of 5kg or more and with 'e' value 1×10^k , 2×10^k or 5×10^k , k being a positive or negative whole number or equal to zero, manufactured by the same manufacturer in accordance with the same principle design and with the same materials with which, the said approved model has been manufactured.

[No. WM-21(90)/2000]

P.A. KRISHNAMOORTHY, Director, Legal Metrology

नई दिल्ली, 17 जनवरी, 2003

का. आ. 271.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात्, यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट तथा माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः, अब, केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उपधारा (7) और उपधारा (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मैसर्स गोल्ड फेस इलैक्ट्रॉनिक्स वेजिंग इक्विपमेंट्स, बी-23, रामा पार्क, उत्तम नगर, नई दिल्ली-110059 द्वारा विनिर्मित उच्च यथार्थता (यथार्थता वर्ग 2) वाले "जी एफ एंड टी टी" श्रृंखला के स्वतः सूचक, अस्वचालित, अंकक सूचन सहित तोलन उपकरण (टेबल टॉप प्रकार) के मॉडल का, जिसके ब्रांड का नाम "गोल्ड फेस" है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/2002/94 समनुदेशित किया गया है, अनुमोदन प्रमाणपत्र जारी और प्रकाशित करती है।

उक्त मॉडल (नीचे दी गई आकृति देखें) लोड सेल आधारित एक तोलन उपकरण है। इसकी अधिकतम क्षमता 30 कि. ग्रा. और न्यूनतम क्षमता 250 ग्रा. है। सत्यापन मापमान अंतराल (ई) का मान 5 ग्रा. है। इसमें एक आधेयतुलन युक्ति है जिसका शत प्रतिशत व्यवकलनात्मक धारित आधेयतुलन प्रभाव है। प्रकाश उत्सर्जक डायोड (एल ई डी) प्रदर्श तोलन परिणाम उपदर्शित करता है। उपकरण 230 वोल्ट और 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।



और, केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उपधारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि मॉडल के इस अनुमोदन प्रमाणपत्र के अंतर्गत, उसी श्रृंखला के उसी मेक, यथार्थता और कार्यपालन वाले ऐसे तोलन उपकरण भी होंगे जिनकी अधिकतम क्षमता 50 कि. ग्रा. तक है और जिनका विनिर्माण उसी विनिर्माता द्वारा उसी सिद्धान्त, डिजाइन और उसी सामग्री से किया जाता है जिससे अनुमोदित मॉडल का विनिर्माण किया गया है, और जिनके सत्यापन मापमान अन्तराल (एन) की संख्या 1 मि. ग्रा. से 50 मि. ग्रा. के "ई" मान के लिए 100 से 50,000 की रेंज में है तथा 100 मि. ग्रा. या अधिक के "ई" मान के लिए 5000 से 50000 की रेंज में है तथा जिनका "ई" मान $1 \times 10^*$, $2 \times 10^*$ या $5 \times 10^*$ है जिसमें 'के' धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य है।

[फा० सं० डब्ल्यू०एम०-21(144)/2000]

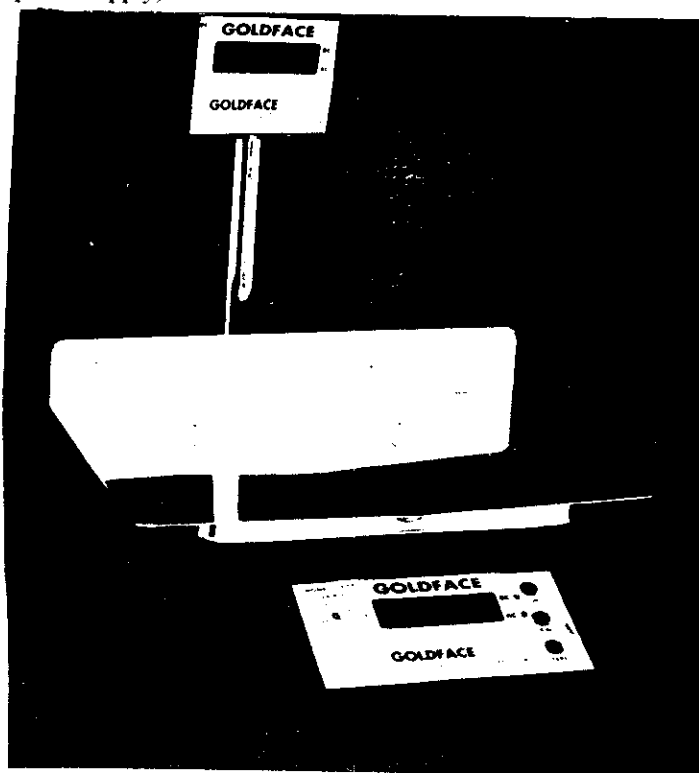
पी० ए० कृष्णामूर्ति, निदेशक, विधिक माप विज्ञान

New Delhi, the 17th January, 2003

S.O. 271.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Modes) Rules, 1987 and the said model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-section (7) and sub-section (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the model of the self-indicating, non-automatic, (Table top type) weighing instrument with digital indication of "GFTT" series of high accuracy (Accuracy Class II) and with brand name "GOLD FACE" (herein referred to as the said model), manufactured by M/s. Gold Face Electronic Weighing Equipments, B-23, Rama Park, Uttam Nagar, New Delhi-110059 and which is assigned the approval mark IND/09/2002/94;

The said model (see the figure given) is a load cell based weighing instrument with a maximum capacity of 30kg and minimum capacity of 250g. The verification scale interval value (e) is 5g. It has a tare device with a 100 percent subtractive retained tare effect. The Light Emitting Diode display indicates the weighing result. The instrument operates on 230 volts and 50-Hertz alternate current power supply;



Further, in exercise of the power conferred by sub-section (12) of said Section 36, the Central Government hereby declares that this certificate of approval of the said Model shall also cover the weighing instrument of similar make and accuracy and performance of same series with maximum capacity upto 50kg and with number of verification scale interval (n) in the range of 100 to 50,000 for 'e' value of 1mg to 50 mg and with number of verification scale interval (n) in the range of 5000 to 50,000 for 'e' value of 100mg or more and with 'e' value 1×10^k , 2×10^k or 5×10^k , k being a positive or negative whole number or equal to zero, manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the said Model has been manufactured.

[No. WM-21(144)/2000]

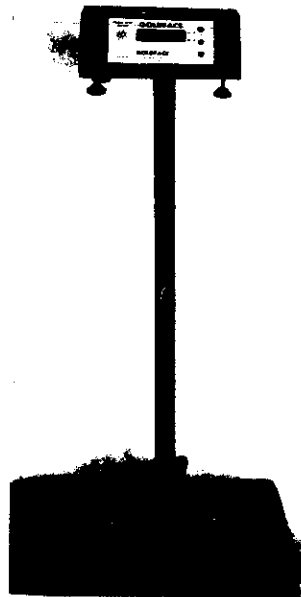
P. A. KRISHNAMOORTHY, Director, Legal Metrology

नई दिल्ली, 17 जनवरी, 2003

का. आ. 272.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात्, यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट तथा माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः, अब, केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उपधारा (7) और उपधारा (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मैसर्स गोल्ड फेस इलैक्ट्रॉनिक्स वेजिंग इक्विपमेंट्स, बी-23, रामा पार्क, उत्तम नगर, नई दिल्ली-110059 द्वारा विनिर्मित मध्यम यथार्थता (यथार्थता वर्ग 3) वाले "जी एफ पी एफ" श्रृंखला के स्वतः सूचक, अस्वचालित, अंकक सूचन सहित तोलन उपकरण (प्लेट फार्म प्रकार) के मॉडल का, जिसके ब्रांड का नाम "गोल्ड फेस" है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/2002/95 समनुदेशित किया गया है, अनुमोदन प्रमाणपत्र जारी और प्रकाशित करती है।

उक्त मॉडल (नीचे दी गई आकृति देखें) एक तोलन उपकरण है। इसकी अधिकतम क्षमता 100 कि. ग्रा. और न्यूनतम क्षमता 200 ग्रा. हैं। सत्यापन मापमान अंतराल (ई) का मान 10 ग्रा. है। इसमें एक आधेयतुलन युक्ति है जिसका शत प्रतिशत व्यवकलनात्मक धारित आधेयतुलन प्रभाव है। प्रकाश उत्सर्जक डायोड (एल ई डी) प्रदर्श तोलन परिणाम उपदर्शित करता है। उपकरण 230 वोल्ट और 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।



और, केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उपधारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि मॉडल के इस अनुमोदन प्रमाणपत्र के अंतर्गत, उसी श्रृंखला के उसी मेक, यथार्थता और कार्यपालन वाले ऐसे तोलन उपकरण भी होंगे जिनकी अधिकतम क्षमता 300 कि. ग्रा. तक है और जिनका विनिर्माण उसी विनिर्माता द्वारा उसी सिद्धान्त, डिजाइन और उसी सामग्री से किया जाता है जिससे अनुमोदित मॉडल का विनिर्माण किया गया है, और जिनके सत्यापन मापमान अंतराल (एन) की संख्या 5 ग्रा. या अधिक के "ई" मान के लिए 500 से 10,000 की रेंज में है तथा जिनका "ई" मान $1 \times 10^*$, $2 \times 10^*$ या $5 \times 10^*$ है जिसमें 'के' धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य है।

[फा० सं० डब्ल्यूएम-21(144)/2000]

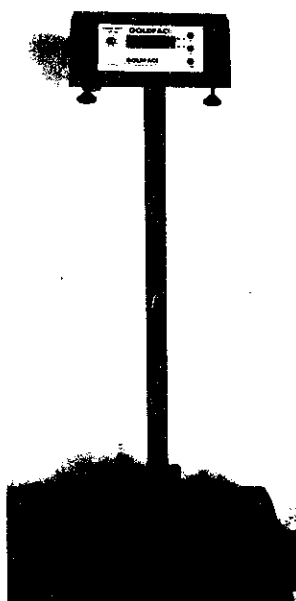
पी० ए० कृष्णामूर्ति, निदेशक, विधिक माप विज्ञान

New Delhi, the 17th January, 2003

S.O. 272.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the Model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said Model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by Sub-section (7) and Sub-section (8) of section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the Model of the self-indicating, non-automatic, (Platform type) weighing instrument with digital indication of "GFPPF" series of medium accuracy (Accuracy Class III) and with brand name "GOLD FACE" (hereinafter referred to as the said Model), manufactured by M/s. Gold Face Electronic Weighing Equipments, B-23, Rama Park, Uttam Nagar, New Delhi-110059 and which is assigned the approval mark IND/09/2002/95;

The said model (see the figure given below) is a load cell based weighing instrument with a maximum capacity of 100kg and minimum capacity of 200g. The verification scale interval value (e) is 10g. It has a tare device with a 100 per cent subtractive retained tare effect. The Light Emitting Diode display indicates the weighing result. The instrument operates on 230 volts and 50-Hertz alternate current power supply;



Further, in exercise of the powers conferred by Sub-section (12) of said section, the Central Government hereby declares that this certificate of approval of the said Model shall also cover the weighing instrument of similar make, accuracy and performance of same series with maximum capacity upto 300kg and with number of verification scale interval (n) in the range of 500 to 10,000 for 'e' value of 5g or more and with 'e' value 1×10^k , 2×10^k or 5×10^k , k being the positive or negative whole number or equal to zero, manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the said Model has been manufactured.

[No. WM-21(144)/2000]

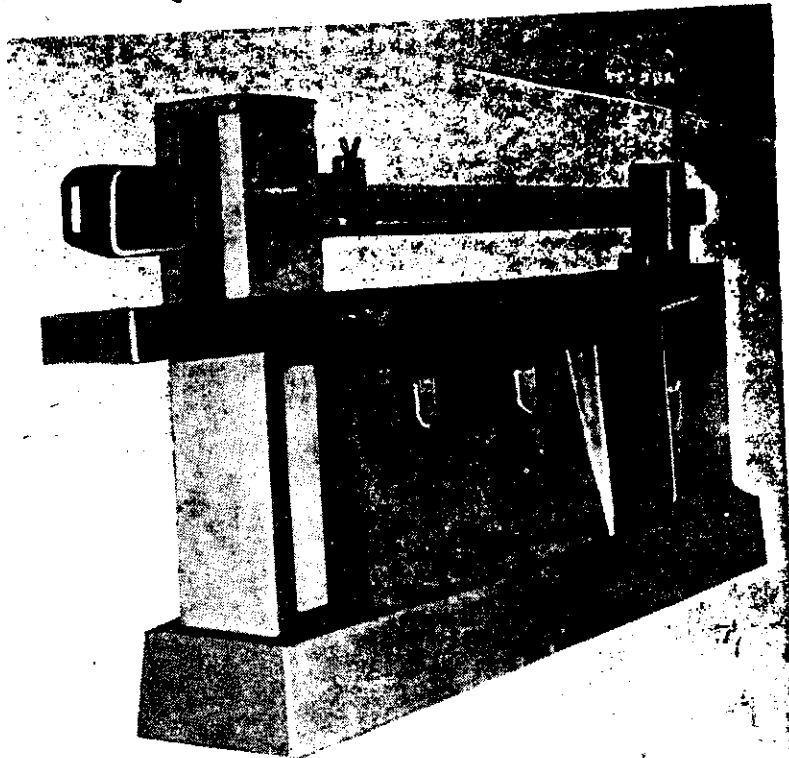
P. A. KRISHNAMOORTHY, Director, Legal Metrology

नई दिल्ली, 17 जनवरी, 2003

का. आ. 273.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात्, यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित माडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट तथा माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः, अब, केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उपधारा (7) और उपधारा (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मैसर्स तारको इंडस्ट्रीज, 263, जी आई डी सी ओधव (वाटर टैंक के पास) अहमदाबाद - 382415 द्वारा विनिर्मित मध्यम यथार्थता (यथार्थता वर्ग 3) वाले "वेट - किंग" शृंखला के स्वतः सूचक, अस्वचालित, तोलन उपकरण (यांत्रिक वे ब्रिज स्टील यार्ड प्रकार) के मॉडल का, जिसके ब्रांड का नाम "वेट - किंग" है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन विह्न आई एन डी/09/2002/113 समनुदेशित किया गया है, अनुमोदन प्रमाणपत्र जारी और प्रकाशित करती है।

उक्त माडल (नीचे दी गई आकृति देखें) एक अस्वचालित (यांत्रिक वे ब्रिज स्टील यार्ड प्रकार) तोलन उपकरण है। इसकी अधिकतम क्षमता 15 टन और न्यूनतम क्षमता 100 कि. ग्रा. है। सत्यापन मापमान अंतराल (ई) का मान 5 कि. ग्रा. है। इसमें एक आघेयतुलन युक्ति है जिसका शत प्रतिशत व्यवकलनात्मक धारित आघेयतुलन प्रभाव है। प्रकाश उत्सर्जक डायोड (एल ई डी) प्रदर्श तोलन परिणाम उपदर्शित करता है। उपकरण 230 वोल्ट और 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।



और, केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उपधारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि मॉडल के इस अनुमोदन प्रमाणपत्र के अंतर्गत, उसी शृंखला के उसी मेक, यथार्थता और कार्यपालन वाले ऐसे तोलन उपकरण भी होंगे जिनकी अधिकतम क्षमता 5 टन से अधिक है और जिनका विनिर्माण उसी विनिर्माता द्वारा उसी सिद्धान्त, डिजाइन और उसी सामग्री से किया जाता है जिससे अनुमोदित मॉडल का विनिर्माण किया गया है, और जिनके सत्यापन मापमान अंतराल (एन) की संख्या 5 कि. ग्रा. या अधिक के "ई" मान के लिए 500 से 10,000 की रेंज में है तथा जिनका "ई" मान 1×10^3 , 2×10^3 या 5×10^3 है जिसमें 'के' धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य है।

[फा० सं० डब्ल्यूएम-21(105)/2000]

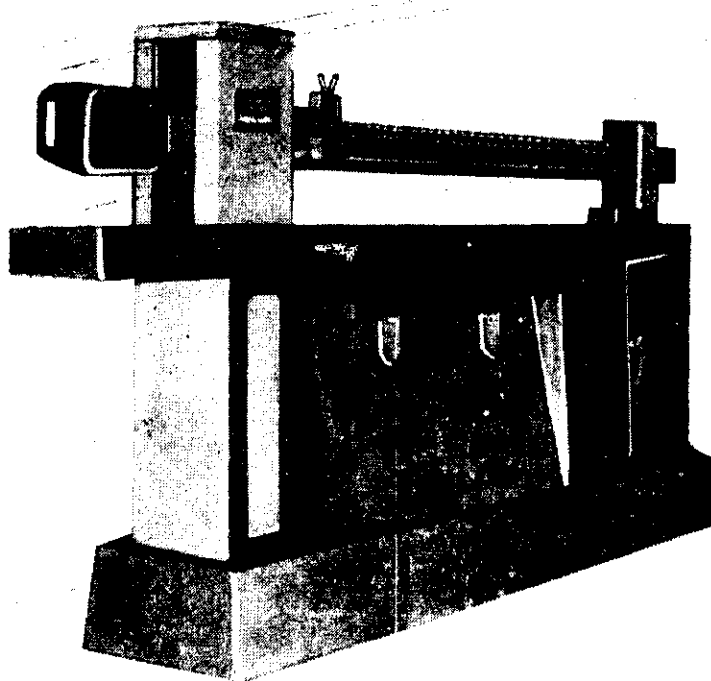
पी० ए० कृष्णामूर्ति, निदेशक, विधिक माप विज्ञान

New Delhi, the 17th January, 2003

S.O. 273.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standard of Weights and Measures (Approval of Models) Rules, 1987 and the said model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions.

Now, therefore, in exercise of the powers conferred by Sub-section (7) and Sub-section (8) of section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the model of the self-indicating, non-automatic, (Mechanical weigh bridge steel yard type) weighing instrument with analogue indication of Medium accuracy (Accuracy Class III) belonging to 'WEIGHT KING' series and with brand name "WEIGHT KING" (hereinafter referred to as the said model), manufactured by M/s. Tarco Industries, 263, GIDC Odhav (near Water Tank) Ahmedabad-382415 and which is assigned the approval mark IND/09/2002/113;

The said model (see the figure given below) is a non-automatic (mechanical weigh bridge steel yard type) weighing instrument with a maximum capacity of 15 tonne and minimum capacity of 100kg. The verification scale interval (e) value is 5kg. It has a tare device with a 100 per cent subtractive retained tare effect. The Light Emitting Diode display indicates the weighing result. The instrument operates on 230 volts and 50-Hertz alternate current power supply;



Further, in exercise of the powers conferred by Sub-section (12) of section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said model shall also cover the weighing instrument of similar make, accuracy and performance of same series with maximum capacity above 5 tonne and with number of verification scale interval (n) in the range of 500 to 10,000 for 'e' value of 5kg. or more and with 'e' value 1×10^k , 2×10^k or 5×10^k , k being the positive or negative whole number or equal to zero, manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the said approved Model has been manufactured.

[No. WM-21(105)/2000]

P.A. KRISHNAMOORTHY, Director, Legal Metrology

नई दिल्ली, 17 जनवरी, 2003

का.आ. 274.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट तथा माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः अब केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उपधारा (7) और उपधारा (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मैसर्स जैन इंस्ट्रुमेंट्स, 22, श्याम काम्पलेक्स, बाबू नगर, अहमदाबाद द्वारा विनिर्मित मध्यम यथार्थता वर्ग (यथार्थता वर्ग III) वाले "एम टी" शृंखला के अस्वचालित तोलन उपकरण (टेबल टॉप प्रकार) के मॉडल का, जिसके ब्रांड का नाम "मेटिज" है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/2002/101 समनुदेशित किया गया है, अनुमोदन प्रमाणपत्र प्रकाशित करती है;

उक्त मॉडल (नीचे दी गई आकृति देखें) एक लोड सेल आधारित अस्वचालित तोलन उपकरण है। इसकी अधिकतम क्षमता 20 कि. ग्रा. और न्यूनतम क्षमता 40 ग्रा. है। सत्यापन मापमान अन्तराल (ई) का मान 2 ग्रा. है। इसमें एक आघेयतुलन युक्ति है जिसका शत प्रतिशत व्यवकलनात्मक धारित आघेयतुलन प्रभाव है। प्रकाश उत्सर्जक डायोड (एल ई डी) प्रदर्श तोलन परिणाम उपदर्शित करता है। उपकरण 230 वोल्ट और 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।



और, केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उपधारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि मॉडल के इस अनुमोदन प्रमाणपत्र के अंतर्गत उसी शृंखला के उसी मेक, यथार्थता और कार्यपालन वाले ऐसे तोलन उपकरण भी होंगे जिनकी अधिकतम क्षमता 50 कि.ग्रा. तक है और जिनका विनिर्माण उसी विनिर्माता द्वारा उसी सिद्धान्त, डिजाइन और उसी सामग्री से किया जाता है जिससे अनुमोदित मॉडल का विनिर्माण किया गया है, और जिनके सत्यापन मापमान अन्तराल (एन) की संख्या 100 मि. ग्राम से 2 ग्रा. के "ई" मान के लिए 100 से 10,000 की रेंज में और 5 ग्राम या अधिक के "ई" मान के लिए 500 से 10,000 की रेंज में है तथा जिनका "ई" मान 1×10^{-6} , 2×10^{-6} या 5×10^{-6} है जिसमें के धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य है।

[फ़. सं. डब्ल्यू एम-21(126)/2000]

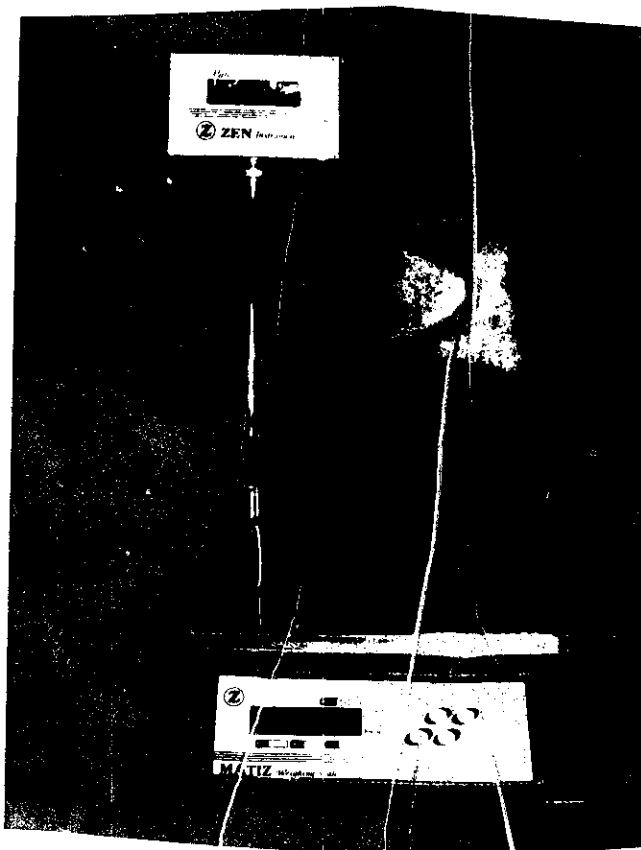
पी. ए. कृष्णामूर्ति, निदेशक, विधिक माप विभाग

New Delhi, the 17th January, 2003

S.O. 274.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions ;

Now, therefore, in exercise of the powers conferred by sub-section (7) and sub-section (8) of Section 36 of the said Act, the Central Government hereby publishes the Certificate of approval of the model of the non-automatic weighing instrument (Table top type) belonging to Medium Accuracy (Accuracy class III) of 'MT' series with brand name 'MATIZE' (herein referred to as the said model) manufactured by M/s. Zen Instrument's, 22 Shyam Complex, Babu Nagar, Ahmedabad and which is assigned the approval mark IND/09/2002/101;

The said model (see the figure given below) is a load cell based non-automatic weighing instrument. The maximum capacity is 20 kg. and minimum capacity of 40 g. The value of verification scale interval (e) is 2g. It has a tare device with a 100 percent subtractive retained tare effect. The Light Emitting Diode (LED) display indicates the weighing result. The instrument operates on 230 volts, 50 Hertz, alternate current power supply.



Further, in exercise of the powers conferred by Sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said Model shall also cover the weighing instruments of similar make, accuracy and performance of same series with having maximum capacity upto 50kg. with number of verification scale (n) in the range of 100 to 10,000 for 'e' value of 100 mg. to 2g. and with number of verification scale interval (n) in the range of 500 to 10,000 for 'e' value 5 g. or more and with 'e' value 1×10^k , 2×10^k or 5×10^k , k being a positive or negative whole number or equal to zero manufactured by the same manufacturer with the same principle, design and with the same materials with which the said approved Model has been manufactured.

[F. No. WM-21(126)/2000]

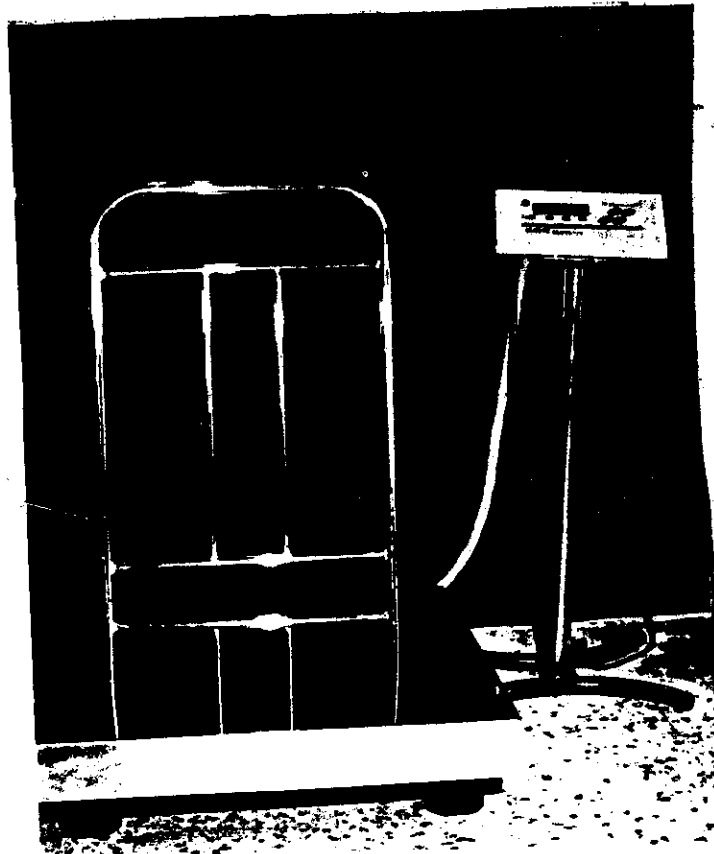
P. A. KRISHNAMOORTHY, Director, Legal Metrology

नई दिल्ली, 17 जनवरी, 2003

का.आ. 275.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात्, यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट तथा माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः अब केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उपधारा (7) और उपधारा (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मैसर्स जेन इंस्ट्रूमेंट्स, 22, श्याम काम्पलेक्स, बाबू नगर, अहमदाबाद द्वारा विनिर्मित मध्यम यथार्थता वर्ग (यथार्थता वर्ग III) वाले "एम टी" शृंखला के अस्वचालित तोलन उपकरण (प्लेट फार्म प्रकार) के मॉडल का, जिसके ब्रांड का नाम "मेटिज" है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/2002/102 समनुदेशित किया गया है, अनुमोदन प्रमाणपत्र प्रकाशित करती है;

उक्त मॉडल (नीचे दी गई आकृति देखें) एक लोड सेल आधारित अस्वचालित तोलन उपकरण है। इसकी अधिकतम क्षमता 50 कि. ग्रा. और न्यूनतम क्षमता 100 ग्रा. है। सत्यापन मापमान अन्तराल (ई) का मान 5 ग्रा. है। इसमें एक आद्येयतुलन युक्ति है जिसका शत प्रतिशत व्यवकलनात्मक धारित आद्येयतुलन प्रभाव है। प्रकाश उत्सर्जक डायोड (एल ई डी) प्रदर्श तोलन परिणाम उपदर्शित करता है। उपकरण 230 वोल्ट और 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।



और, केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उपधारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि मॉडल के इस अनुमोदन प्रमाणपत्र के अंतर्गत, उसी शृंखला के उसी मेक, यथार्थता और कार्यपालन वाले ऐसे तोलन उपकरण भी होंगे जिनकी अधिकतम क्षमता 300 कि.ग्रा. तक है और जिनका विनिर्माण उसी विनिर्माता द्वारा उसी सिद्धान्त, डिजाइन और उसी सामग्री से किया जाता है जिससे अनुमोदित मॉडल का विनिर्माण किया गया है और जिनके सत्यापन मापमान अन्तराल (एन) की संख्या 5 ग्राम या अधिक के "ई" मान के लिए 500 से 10,000 की रेंज में है तथा जिनका "ई" मान $1 \times 10^*$, $2 \times 10^*$ या $5 \times 10^*$ है जिसमें के धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य है।

[फ. सं. डब्ल्यू एम-21(126)/2000]

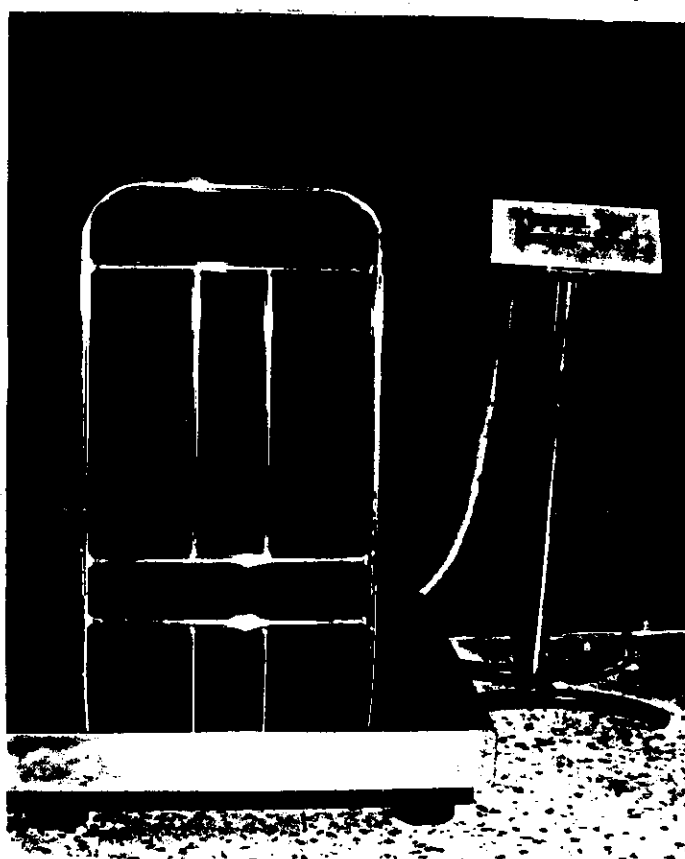
पी. ए. कृष्णमूर्ति, निदेशक, विधिक माप विज्ञान

New Delhi, the 17th January, 2003

S.O. 275.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions ;

Now, therefore, in exercise of the powers conferred by sub-section (7) and sub-section (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the model of the non-automatic weighing instrument (platform type) belonging to Medium Accuracy (Accuracy class III) of 'MT' series with brand name 'MATIZE' (herein referred to as the said model) manufactured by M/s. Zen Instrument's, 22, Shyam Complex, Babu Nagar, Ahmedabad and which is assigned the approval mark IND/09/2002/102;

The said model (see the figure given below) is a load cell based non-automatic weighing instrument. The maximum capacity is 50 kg. and minimum capacity of 100 g. The value of verification scale interval (e) is 5g. It has a tare device with a 100 percent subtractive retained tare effect. The Light Emitting Diode (LED) display indicates the weighing result. The instrument operates on 230 volts, 50 Hertz, alternate current power supply.



Further, in exercise of the powers conferred by Sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said model shall also cover the weighing instruments of similar make, accuracy and performance of same series with having maximum capacity upto 300kg. and with number of verification scale interval (n) in the range of 500 to 10,000 for 'e' value 5g or more and with 'e' value of 1×10^k , 2×10^k or 5×10^k , k being a positive or negative whole number or equal to zero manufactured by the same manufacturer with the same principle, design and with the same materials with which the said approved model has been manufactured.

[F. No. WM-21(126)/2000]

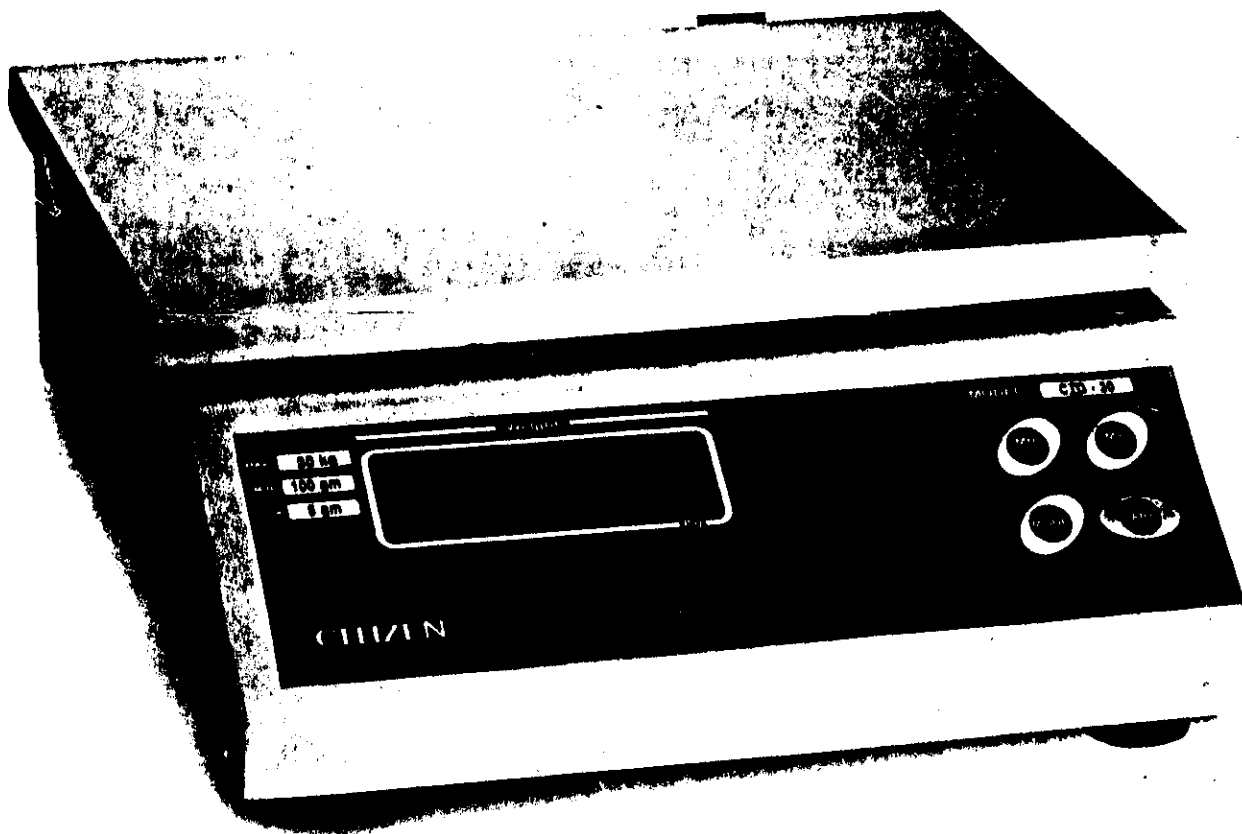
P. A. KRISHNAMOORTHY, Director, Legal Metrology

नई दिल्ली, 17 जनवरी, 2003

का.आ. 276.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट तथा माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः अब केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उपधारा (7) और उपधारा (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मैसर्स/सिटिजन इंटरप्राइजेस, ई-45, स्पान इंडस्ट्रियल काम्पलेक्स, आर टी ओ चेकपोस्ट के पास, दादरा सिलवासा पोस्ट, दादरा (संघ राज्य क्षेत्र, दादरा और नागर हवेली) द्वारा विनिर्मित मध्यम यथार्थता (यथार्थता वर्ग III) वाले "सी के जी" शृंखला के अस्वचालित तोलन उपकरण (टेबल टाप प्रकार) के मॉडल का, जिसके ब्रांड का नाम "सिटिजन" है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/2002/103 समनुदेशित किया गया है, अनुमोदन प्रमाणपत्र प्रकाशित करती है।

उक्त मॉडल (नीचे दी गई आकृति देखें) एक लोड सेल आधारित अस्वचालित तोलन उपकरण है। इसकी अधिकतम क्षमता 12 कि. ग्रा. और न्यूनतम क्षमता 40 ग्रा. है। सत्यापन मापमान अन्तराल (ई) का मान 2 ग्रा. है। इसमें एक आधेयतुलन युक्ति है जिसका शत प्रतिशत व्यवकलनात्मक धारित आधेयतुलन प्रभाव है। प्रकाश उत्सर्जक डायोड (एल ई डी) प्रदर्श तोलन परिणाम उपदर्शित करता है। उपकरण 230 वोल्ट और 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।



और, केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उपधारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि मॉडल के इस अनुमोदन प्रमाणपत्र के अंतर्गत, उसी शृंखला के उसी मेक, यथार्थता और कार्यपालन वाले ऐसे तोलन उपकरण भी होंगे जिनकी अधिकतम क्षमता 50 कि.ग्रा. तक है और जिनका विनिर्माण उसी विनिर्माता द्वारा उसी सिद्धान्त, डिजाइन और उसी सामग्री से किया जाता है जिससे अनुमोदित मॉडल का विनिर्माण किया गया है, और जिनके सत्यापन मापमान अन्तराल (एन) की संख्या 100 मि. ग्राम से 2 ग्रा. के "ई" मान के लिए 100 से 10,000 की रेंज में है और 5 ग्राम या अधिक के "ई" मान के लिए 500 से 10,000 की रेंज में है तथा जिनका "ई" मान 1×10^{-6} , 2×10^{-6} या 5×10^{-6} के है जिसमें के धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य है।

[फ़. सं. डब्ल्यू एम-21(186)/2000]

पी. ए. कृष्णामूर्ति, निदेशक, विधिक माप विज्ञान

New Delhi, the 17th January, 2003

S.O. 276.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions ;

Now, therefore, in exercise of the powers conferred by sub-section (7) and sub-section (8) of section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the model of the non-automatic weighing instrument (Table Top type counting scale) belonging to Medium Accuracy (Accuracy class III) of 'CKG' series with brand name "CITIZEN" (herein referred to as the said model) manufactured by M/s. Citizen Enterprises, E-45, Span Industrial Complex, near RTO Checkpost, Dadra Silvassa Post, Dadra (Union Territory & Dadra & Nagar Haveli) and which is assigned the approval mark IND/09/2002/103;

The said model (see the figure given below) is a load cell based non-automatic weighing instrument. The maximum capacity is 12 kg. and minimum capacity of 40 g. The value of verification scale interval (e) is 2g. It has a tare device with a 100 percent subtractive retained tare effect. The Light Emitting Diode (LED) display indicates the weighing result. The instrument operates on 230 volts, 50 Hertz, alternate current power supply.



Further, in exercise of the powers conferred by sub-section (12) of section 36 of said Act, the Central Government hereby declares that this certificate of approval of the said model shall also cover the weighing instruments of similar make, accuracy and performance of same series with having maximum capacity upto 50kg. and with number of verification scale (n) in the range of 100 to 10,000 for 'e' value of 100 mg. to 2g. and with number of verification scale interval in the range of 500 to 10,000 for 'e' value of 5g. or more and with 'e' value of 1×10^k , 2×10^k or 5×10^k , 'k' being a positive or negative whole number or equal to zero manufactured by the same manufacturer with the same principle, design and with the same materials with which, the approved said Model has been manufactured.

[F. No. WM-21(186)/2000]

P. A. KRISHNAMOORTHY, Director, Legal Metrology

नई दिल्ली, 17 जनवरी, 2003

का.आ. 277.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट तथा माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः अब केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उपधारा (7) और उपधारा (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मैसर्स सिटिजन इंटरप्राइजेस, ई-45, स्पान इंडस्ट्रियल कॉम्प्लेक्स, आर टी ओ चेक पोस्ट के पास, दादरा सिलवासा पोस्ट, दादरा (संघ राज्य क्षेत्र, दादरा और नागर हवेली) द्वारा विनिर्मित मध्यम यथार्थता (यथार्थता वर्ग III) वाले "सी टी एल" शृंखला के अस्वचालित तोलन उपकरण (टेबल टाप प्रकार) के मॉडल का, जिसके ब्रांड का नाम "सिटिजन" है (जिसे इसमें इसके पश्चात् मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/2002/104 समनुदेशित किया है, अनुमोदन प्रमाणपत्र प्रकाशित करती है।

यह मॉडल (नीचे दी गई आकृति देखें) एक लोड सेल आधारित अस्वचालित तोलन उपकरण है। इसकी अधिकतम क्षमता 5 कि.ग्रा. और न्यूनतम क्षमता 20 ग्रा. है। सत्यापन मापमान अन्तराल (ई) का मान 1 ग्रा. है। इसमें एक आधेयतुलन युक्ति है जिसका शत प्रतिशत ध्वक्कलनात्मक धारित आधेयतुलन प्रभाव है। प्रकाश उत्सर्जक डायोड (एल ई डी) प्रदर्श तोलन परिणाम उपदर्शित करता है। उपकरण 230 वोल्ट और 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।



और, केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उपधारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि मॉडल के इस अनुमोदन प्रमाणपत्र के अंतर्गत, उसी शृंखला के उसी मेक, यथार्थता और कार्यपालन वाले ऐसे तोलन उपकरण भी होंगे जिनकी अधिकतम क्षमता 50 कि.ग्रा. तक है और जिनका विनिर्माण उसी विनिर्माता द्वारा उसी सिद्धान्त, डिजाइन और उसी सामग्री से किया जाता है जिससे अनुमोदित मॉडल का विनिर्माण किया गया है, और जिनके सत्यापन मापमान अन्तराल (एन) की संख्या 100 मि. ग्रा. से 2 ग्रा. के "ई" मान के लिए 100 से 10,000 की रेंज में है और 5 ग्राम या अधिक के "ई" मान के लिए 500 से 10,000 की रेंज में है तथा जिनका "ई" मान 1×10^{-6} , 2×10^{-6} या 5×10^{-6} के है जिसमें के धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य है।

[फा. सं. डब्ल्यू एम-21(186)/2000]

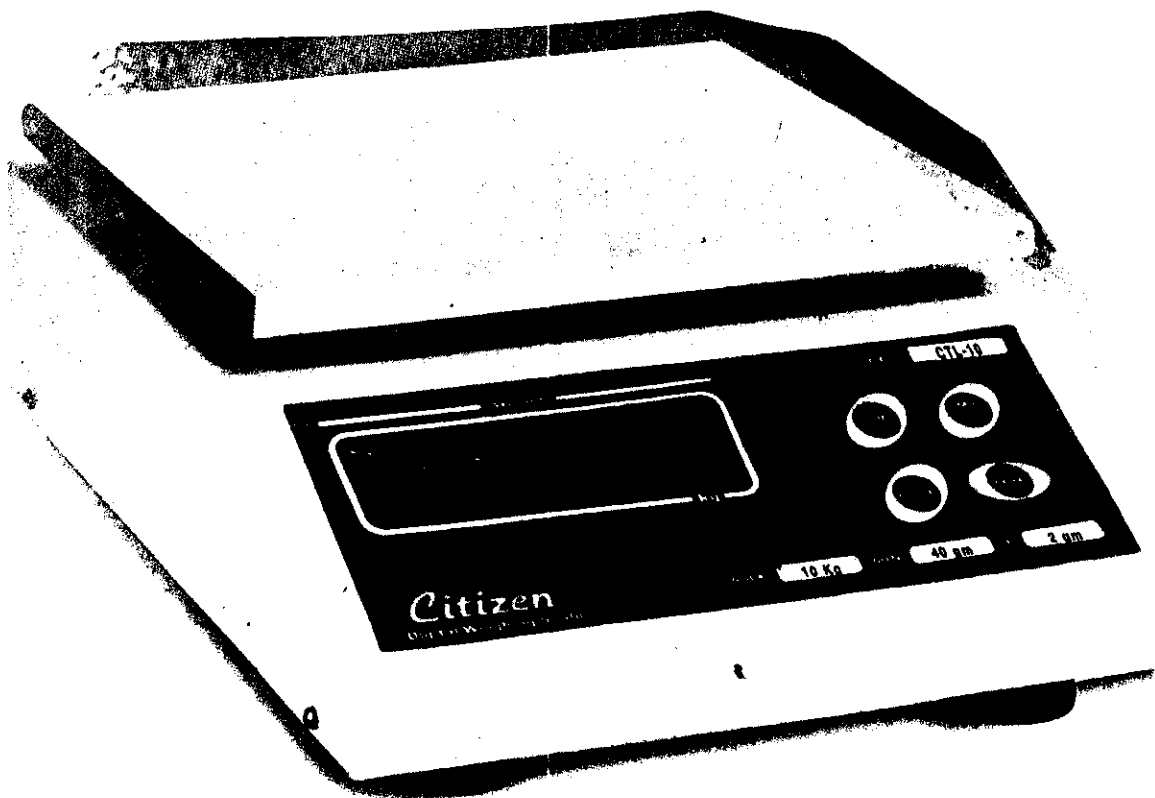
पी. ए. कृष्णामूर्ति, निदेशक, विधिक माप विज्ञान

New Delhi, the 17th January, 2003

S.O. 277.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions ;

Now, therefore, in exercise of the powers conferred by sub-section (7) and sub-section (8) of section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the model of the non-automatic weighing instrument (Table Top) belonging to Medium Accuracy (Accuracy class III) of 'CTL' series with brand name "CITIZEN" (herein referred to as the said Model) manufactured by M/s. Citizen Enterprises, E-45, Span Industrial Complex, near RTO Checkpost, Dadra Silvassa Post, Dadra (Union Territory of Dadra & Nagar Haveli) and which is assigned the approval mark IND/09/2002/104;

The said model (see the figure given below) is a load cell based non-automatic weighing instrument. The maximum capacity is 5kg. and minimum capacity of 20g. The value of verification scale interval (e) is 1g. It has a tare device with a 100 percent subtractive retained tare effect. The Light Emitting Diode (LED) display indicates the weighing result. The instrument operates on 230 volts, 50 Hertz, alternate current power supply.



Further, in exercise of the powers conferred by sub-section (12) of section 36 of said Act, the Central Government hereby declares that this certificate of approval of the said model shall also cover the weighing instruments of similar make, accuracy and performance of same series with having maximum capacity upto 50kg and with number of verification scale (n) in the range of 100 to 10,000 for 'e' value of 100 mg. to 2g. and with number of verification scale interval in the range of 500 to 10,000 for 'e' value of 5g. or more and with 'e' value of 1×10^k , 2×10^k or 5×10^k , 'k' being a positive or negative whole number or equal to zero manufactured by the same manufacturer with the same principle, design and with the same materials with which, the approved said Model has been manufactured.

[F. No. WM-21(186)/2000]

P. A. KRISHNAMOORTHY, Director, Legal Metrology

नई दिल्ली, 17 जनवरी, 2003

का.आ. 278.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात्, यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट तथा माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः, अब केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उपधारा (7) और उपधारा (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मैसर्स सिटिजन इंटरप्राइजेस, ई-45, स्पान इंडस्ट्रियल काम्पलेक्स, आर टी ओ चेक पोस्ट के पास, दादरा सिलवासा पोस्ट, दादरा (संघ राज्य क्षेत्र, दादरा और नागर हवेली) द्वारा विनिर्मित मध्यम यथार्थता (यथार्थता वर्ग 3) वाले "एच ए" श्रृंखला के अस्वचालित, अंकक सूचन सहित तोलन उपकरण (क्रेन स्केल प्रकार) के मॉडल का, जिसके ब्रांड का नाम "सिटिजन" है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/2002/105 समनुदेशित किया गया है, अनुमोदन प्रमाणपत्र प्रकाशित करती है।

उक्त मॉडल (नीचे दी गई आकृति देखें) एक लोड सेल आधारित अस्वचालित तोलन उपकरण है। इसकी अधिकतम क्षमता 2 टन और न्यूनतम क्षमता 20 कि. ग्रा. है। सत्यापन मापमान अन्तराल (ई) का मान 1 कि. ग्रा. है। इसमें एक आद्येतुलन युक्ति है जिसका शत प्रतिशत व्यवकलनात्मक धारित आद्येतुलन प्रभाव है। प्रकाश उत्सर्जक डायोड (एल ई डी) प्रदर्श तोलन परिणाम उपदर्शित करता है। उपकरण 230 वोल्ट और 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।

CRANE SCALES



और, केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उपधारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि मॉडल के इस अनुमोदन प्रमाणपत्र के अंतर्गत, उसी श्रृंखला के उसी मेक, यथार्थता और कार्यपालन वाले ऐसे तोलन उपकरण भी होंगे जिनकी अधिकतम क्षमता 2 टन तक है और जिनका विनिर्माण उसी विनिर्माता द्वारा उसी सिद्धान्त, डिजाइन और उसी सामग्री से किया जाता है जिससे अनुमोदित मॉडल का विनिर्माण किया गया है और जिनके सत्यापन मापमान अन्तराल (एन) की संख्या 10,000 (एन ≤ 10,000) तक है तथा जिनका "ई" मान 1×10^{-6} , 2×10^{-6} या 5×10^{-6} है जिसमें के धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य है।

[फा. सं. डब्ल्यू एम-21(186)/2000]

पी. ए. कृष्णामूर्ति, निदेशक, विधिक माप विज्ञान

New Delhi, the 17th January, 2003

S.O. 278.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions ;

Now, therefore, in exercise of the powers conferred by Sub-section (7) and Sub-section (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the model of the non-automatic weighing instrument with digital indication (crane scale) belonging to Medium Accuracy (Accuracy class III) of 'HA' series with brand name "CITIZEN" (herein referred to as the said model) manufactured by M/s. Citizen Enterprises, E-45, Span Industrial Complex, near RTO Checkpost, Dadra Silvassa Post, Dadra (Union Territory & Dadara & Nagar Haveli) and which is assigned the approval mark IND/09/2002/105;

The said model (the figure given below) is a load cell based non-automatic weighing instrument. The maximum capacity is 2 tonne and minimum capacity of 20 kg. The value of verification scale interval (e) is 1 kg. It has a tare device with a 100 per cent subtractive retained tare effect. The Light Emitting Diode (LED) display indicates the weighing result. The instrument operates on 230 volts, 50 Hertz, alternate current power supply.

CRANE SCALES



Further, in exercise of the powers conferred by Sub-section (12) of Section 36 of said Act, the Central Government hereby declares that this certificate of approval of the said model shall also cover the weighing instruments of similar make, accuracy and performance of same series with having maximum capacity upto 2 tonne and with number of verification scale (n) upto 10,000 ($n < 10,000$) and with 'e' value of 1×10^k , 2×10^k or 5×10^k , k being a positive or negative whole number or equal to zero manufactured by the same manufacturer with the same principle, design and with the same materials with which, the approved said Model has been manufactured.

[F. No. WM-21(186)/2000]

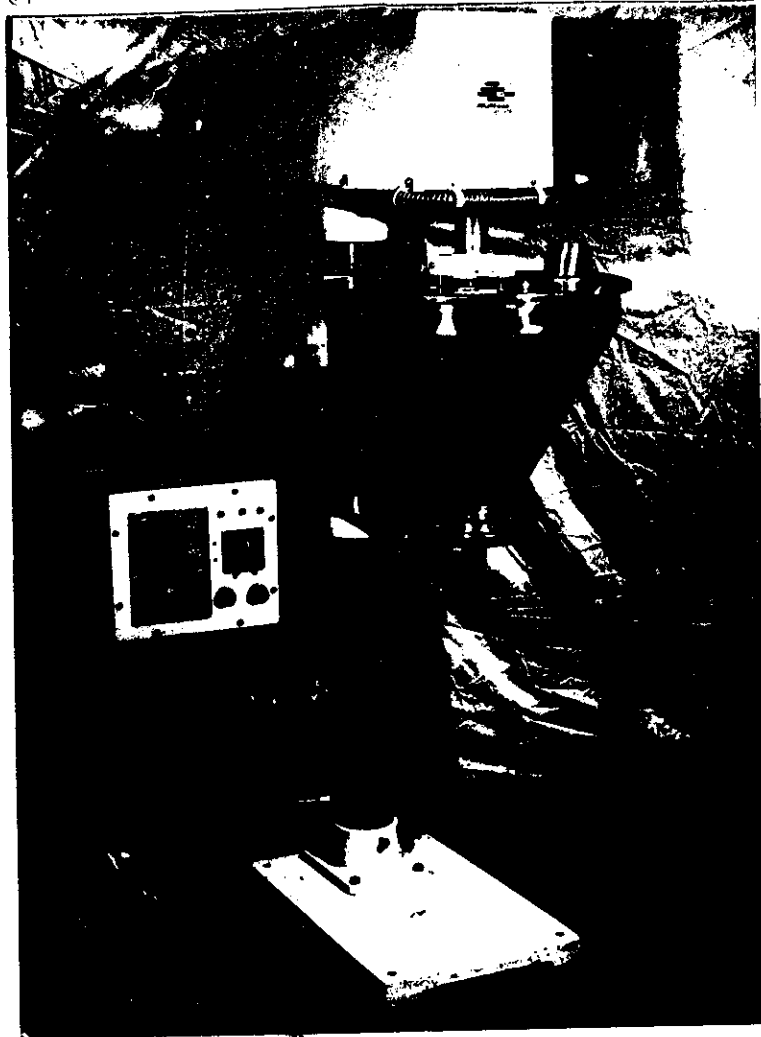
P. A. KRISHNAMOORTHY, Director, Legal Metrology

नई दिल्ली, 17 जनवरी, 2003

का.आ. 279.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात्, यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट तथा माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः, अब केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उपधारा (7) और उपधारा (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मैसर्स रैपटेक मशीन्स प्राईवेट लिमिटेड, धर्मचंद इंडस्ट्रियल इस्टेट, देव नगर, मुंबई-400088 “एम बी 50” शृंखला के स्वचालित, भरण मशीन (ऑगर फिलर प्रकार) के मॉडल का, जिसके ब्रांड का नाम “रैप टेक” है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/2002/106 समनुदेशित किया गया है, अनुमोदन प्रमाणपत्र जारी और प्रकाशित करती है।

उक्त मॉडल ऑगर स्कू फिलर है जिसकी क्षमता 100 ग्रा. से 1 कि. ग्रा. की रेंज में है। उपकरण 220 वोल्ट और 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।



और, केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उपधारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि मॉडल के इस अनुमोदन प्रमाणपत्र के अंतर्गत, उसी शृंखला के उसी मेक, यथार्थता और कार्यपालन वाली ऐसी स्वचालित भरण मशीन (ऑगर फिलर प्रकार) है जिनकी अधिकतम क्षमता 5 कि. ग्रा. तक है और जिनका विनिर्माण उसी विनिर्माता द्वारा उसी सिद्धान्त, डिजाइन और उसी सामग्री से किया जाता है जिससे अनुमोदित मॉडल का विनिर्माण किया गया है,

[फा. सं. डब्ल्यू एम-21(188)/2000]

पी. ए. कृष्णमूर्ति, निदेशक, विधिक माप विज्ञान

New Delhi, the 17th January, 2003

S.O. 279.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the Model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions ;

Now, therefore, in exercise of the powers conferred by Sub-section (7) and Sub-Section (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the model in respect of Automatic filling machine (Auger filler) with brand name "Wraptech" and of "MB 50" series (herein referred to as said model) manufactured by M/s. Wraptech Machines P. Ltd., Dharamchand Indl. Estate, Deonar, Village Road, Deonar, Mumbai-400088 and which is assigned the approval mark IND/09/2002/106;

The said model is an Auger Screw Filler with capacity ranging from 100 g to 1 kg. It operates on 220 volts and frequency 50 Hertz, alternate current power supply.



Further, in exercise of the powers conferred by Sub-section (12) of Section 36 said Act, the Central Government hereby declares that this certificate of approval of the said Model shall also cover the automatic weighing filling machine with maximum capacity of 5kg manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the said approved Model has been manufactured.

[F. No. WM-21(188)/2000]

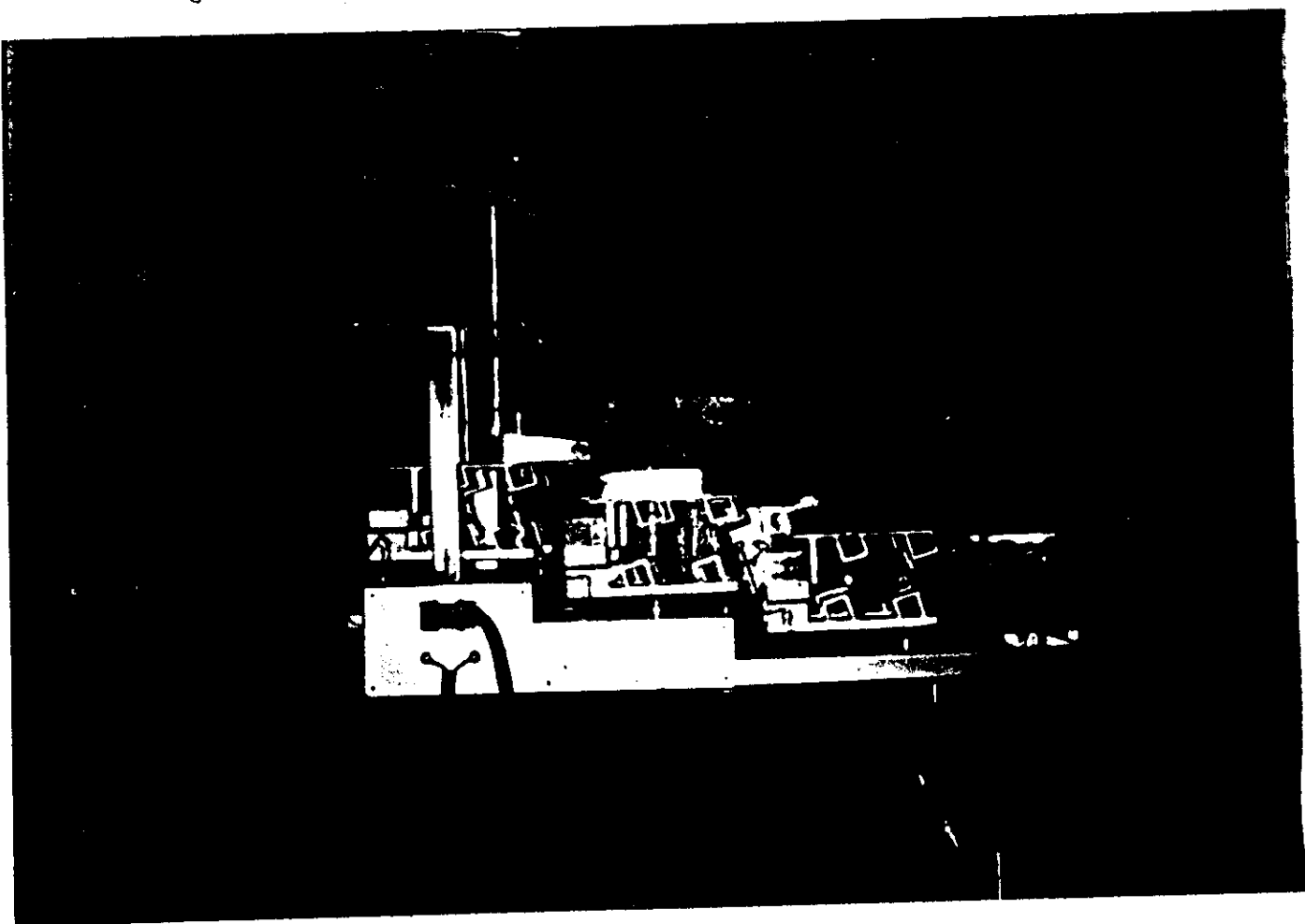
P. A. KRISHNAMOORTHY, Director, Legal Metrology

नई दिल्ली, 17 जनवरी, 2003

का.आ. 280.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात्, यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट तथा माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त माडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः अब केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उपधारा (7) और उपधारा (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मैसर्स रैपटेक मशीन्स प्राईवेट लिमिटेड, धर्मचंद इंडस्ट्रियल इस्टेट, देव नगर, मुंबई-400088 "एम बी 400" शृंखला के स्वचालित भरण मशीन (भार सेल पर आधारित) के मॉडल का, जिसके ब्रांड का नाम "रैपटेक" है (जिसे इसमें इसके पश्चात् उक्त माडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/2002/107 समनुदेशित किया है, अनुमोदन प्रमाणपत्र जारी और प्रकाशित करती है।

उक्त मॉडल एक स्वचालित तोलन भरण मशीन है जिसकी क्षमता 100 ग्राम से 1 कि. ग्रा. की रेंज में है। उपकरण 220 वोल्ट और 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।



और, केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उपधारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के इस अनुमोदन प्रमाणपत्र के अंतर्गत, उसी शृंखला के उसी मेक, यथार्थता और कार्यपालन वाली ऐसी स्वचालित भरण मशीन भी होंगी जिनकी अधिकतम क्षमता 5 कि. ग्रा. तक है और जिनका विनिर्माण उसी विनिर्माता द्वारा उसी सिद्धान्त, डिजाइन और उसी सामग्री से किया जाता है जिससे अनुमोदित मॉडल का विनिर्माण किया गया है।

[फा. सं. डब्ल्यू एम-21(188)/2000]

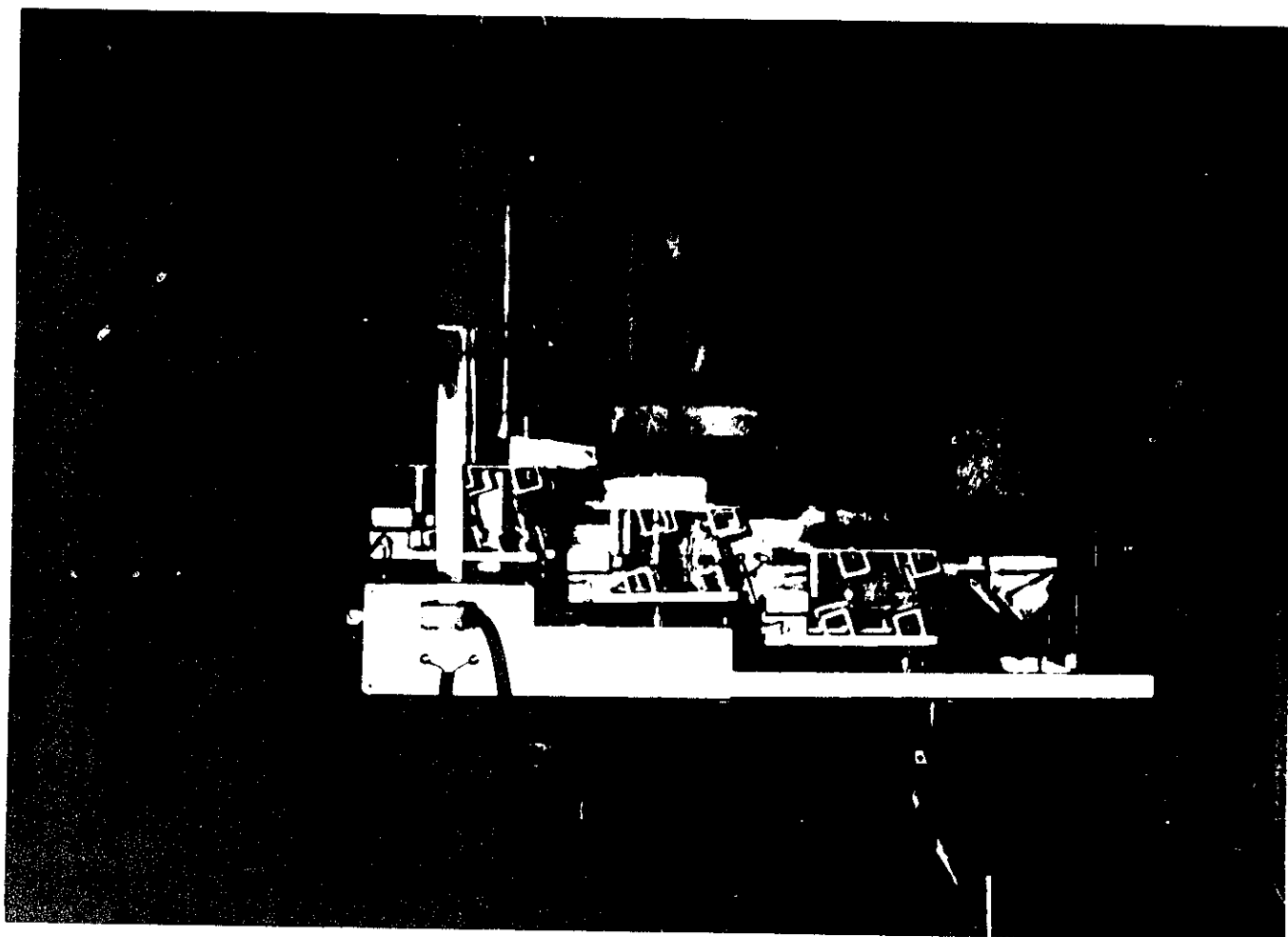
पी. ए. कृष्णामूर्ति, निदेशक, विधिक माप विज्ञान

New Delhi, the 17th January, 2003

S.O. 280.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions ;

Now, therefore, in exercise of the powers conferred by sub-section (7) and sub-section (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the model in respect of Automatic filling machine (Load cell based) with brand name "Wraptech" and of "MB 400" series (herein referred to as the model) manufactured by M/s. Wraptech Machines Pvt. Ltd., Dharamchand Indl. Estate, Deonar, Village Road, Deonar, Mumbai-400088 and which is assigned the approval mark IND/09/2002/107;

The said model is an automatic filling machine with capacity ranging from 100 g to 1 kg. It operates on 220 volts and frequency 50 Hertz, alternate current power supply.



Further, in exercise of the powers conferred by sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said Model shall also cover the automatic filling machine (Auger filler type) with maximum capacity of 5kg manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the said approved Model has been manufactured.

[F. No. WM-21(188)/2000]

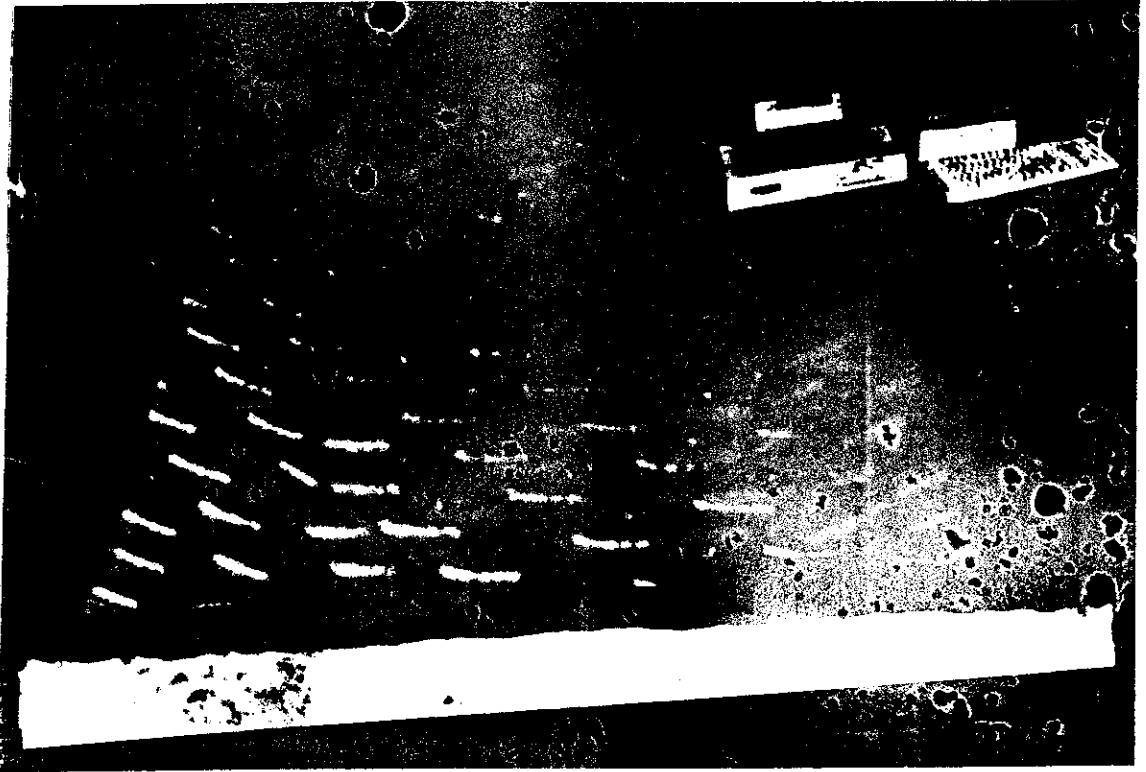
P. A. KRISHNAMOORTHY, Director, Legal Metrology

नई दिल्ली, 17 जनवरी, 2003

का.आ. 281.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित माडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट तथा माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः अब केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उपधारा (7) और उपधारा (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मैसर्स प्रागी अलेक्ट्रॉनिक्स 19/27, 12वां क्रॉस, न्यू थिरुवर्ली नगर बांध, पी एन पुदुर (पी. ओ.) कोयम्बतूर-641041 द्वारा विनिर्मित मध्यम यथार्थता (यथार्थता वर्ग 3) वाले "डी डब्ल्यू-डब्ल्यू पी" श्रृंखला के स्वतः सूचक अस्वचालित, अंकक सूचन सहित तोलन उपकरण (बहु भार सेल वे ब्रिज प्रकार) के माडल का, जिसके ब्रांड का नाम "डिजी वे" है (जिसे इसमें इसके पश्चात् उक्त माडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/2002/112 समनुदेशित किया है, अनुमोदन प्रमाणपत्र जारी और प्रकाशित करती है;

उक्त माडल (नीचे दी गई आकृति देखें) भार सेल पर आधारित मध्यम यथार्थता का अस्वचालित तोलन उपकरण है। इसकी अधिकतम क्षमता 30 टन और न्यूनतम क्षमता 100 कि. ग्रा. है। सत्यापन मापमान अन्तराल (ई) का मान 5 कि. ग्रा. है। इसमें एक आधेयतुलन युक्ति है जिसका शत प्रतिशत व्यवकलनात्मक धारित आधेयतुलन प्रभाव है। प्रकाश उत्सर्जक डायोड (एल ई डी) प्रदर्श तोलन परिणाम उपदर्शित करता है। उपकरण 230 वोल्ट और 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।



और, केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उपधारा (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि मॉडल के इस अनुमोदन प्रमाणपत्र के अंतर्गत, उसी श्रृंखला के उसी मेक, यथार्थता और कार्यपालन वाले ऐसे तोलन उपकरण भी होंगे जिनकी अधिकतम क्षमता 5 टन से अधिक है और जिनका विनिर्माण उसी विनिर्माता द्वारा उसी सिद्धान्त, डिजाइन और उसी सामग्री से किया जाता है जिससे अनुमोदित माडल का विनिर्माण किया गया है, और जिनके सत्यापन मापमान अन्तराल (एन) की संख्या 5 कि. ग्रा. या अधिक के "ई" मान के लिए 500 से 10,000 की रेंज में है तथा जिनका "ई" मान $1 \times 10^*$, $2 \times 10^*$ और $5 \times 10^*$ है जिसमें के घनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य है।

[पत्र. सं. डब्ल्यू एम-21(194)/2000]

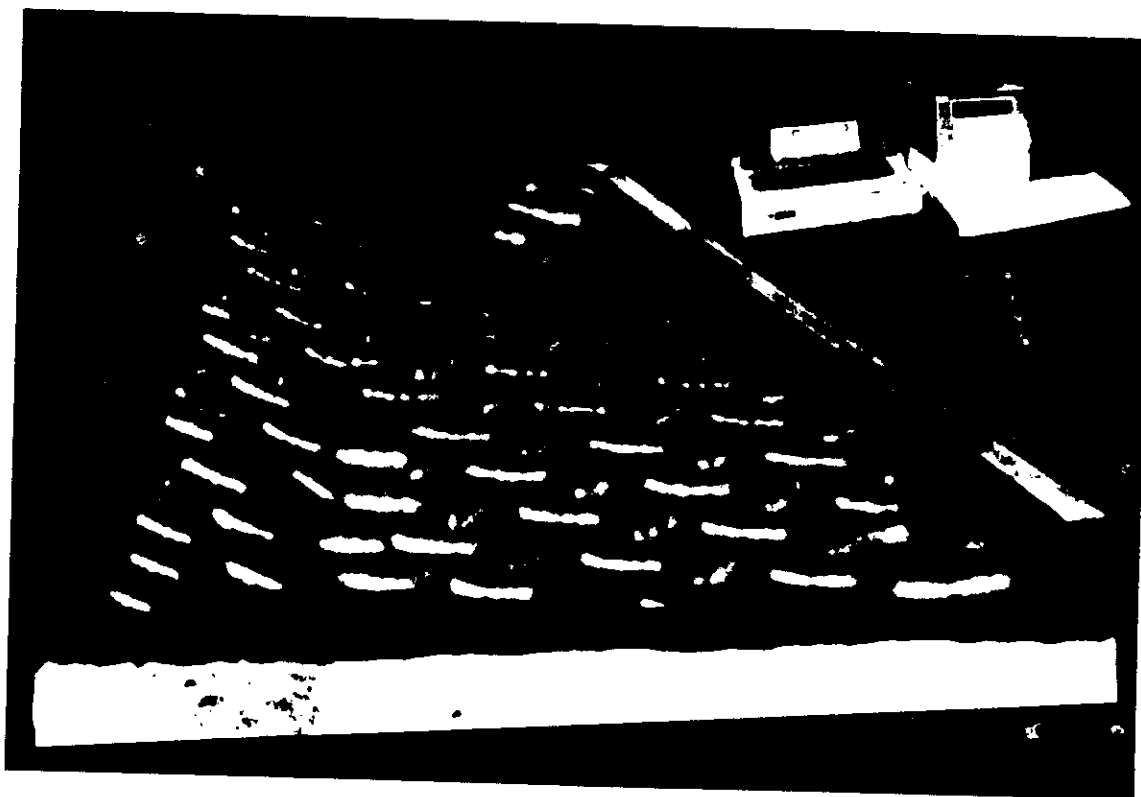
पी. ए. कृष्णामूर्ति, निदेशक, विधिक माप विज्ञान

New Delhi, the 17th January, 2003

S.O. 281.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions ;

Now, therefore, in exercise of the powers conferred by sub-section (7) and sub-section (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the Model of the self-indicating, non-automatic (Multi load cell weigh bridge type) weighing instrument with digital indication of "DW-WP" series of Medium Accuracy (Accuracy class III) and with brand name "DIGI-WEIGH" (herein referred to as the model) manufactured by M/s. Pragi Electronics 19/27, 12th Cross, New Thillai Nagar North, P.N. Pudur (PO) Coimbatore-641 041 and which is assigned the approval mark IND/09/2002/112;

The said model (see the figure given below) is a load cell based non-automatic weighing instrument of medium accuracy class. The maximum capacity is of 30 tonne and minimum capacity of 100kg. The verification scale interval (e) is 5kg. It has a tare device with a 100 per cent subtractive retained tare effect. The light emitting diode display indicates the weighing result. The instrument operates on 230 volts. and 50 Hertz. alternate current power supply.



Further, in exercise of the powers conferred by sub-section (12) of said Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said model shall also cover the weighing instruments of similar make, accuracy and performance of same series with maximum capacity above 5 tonne and with number of verification scale interval (n) in the range of 500 to 10000 for 'e' value of 5kg. or more and with 'e' value of 1×10^k , 2×10^k and 5×10^k , k being the positive or negative whole number or equal to zero manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the said approved model has been manufactured.

[F. No. WM-21(194)/2000]

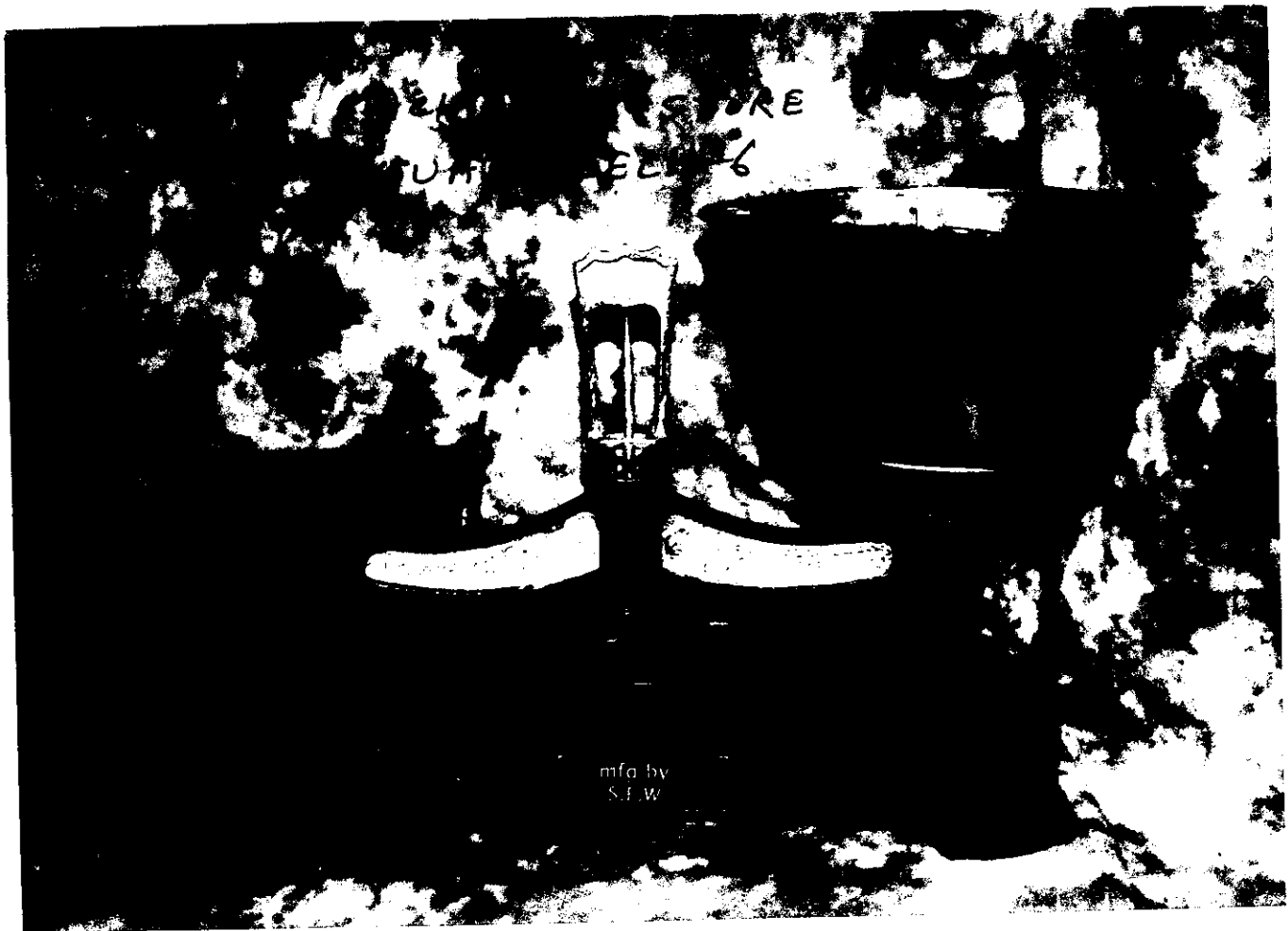
P. A. KRISHNAMOORTHY, Director, Legal Metrology

नई दिल्ली, 17 जनवरी, 2003

का.आ. 282.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट तथा माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः अब केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उपधारा (7) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मैसर्स सिंगला मशीनरी स्टोर, 1771, लाल कुआं, दिल्ली-110006 द्वारा विनिर्मित काउन्टर मशीन (यांत्रिक) के मॉडल का, जिसके ब्रांड का नाम "सिऊ" है (जिसे इसमें इसके पश्चात् मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/2002/19 समनुदेशित किया गया है, अनुमोदन प्रमाणपत्र प्रकाशित करती है।

उक्त मॉडल (आकृति देखें) एक काउन्टर मशीन (यांत्रिक) है। इसकी अधिकतम क्षमता 5 कि. ग्रा. है।



और, केन्द्रीय सरकार, उक्त धारा की उपधारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि मॉडल के इस अनुमोदन प्रमाणपत्र के अंतर्गत, उसी शृंखला के उसी मेक, यथार्थता और कार्यपालन वाले ऐसे तोलन उपकरण भी होंगे जिनकी अधिकतम क्षमता 50 कि. ग्रा. तक है और जिनका विनिर्माण उसी विनिर्माता द्वारा उसी सिद्धान्त, डिजाइन और उसी सामग्री से किया जाता है जिससे अनुमोदित मॉडल का विनिर्माण किया गया है।

[फ़. सं. डब्ल्यू एम-21(221)/2001]

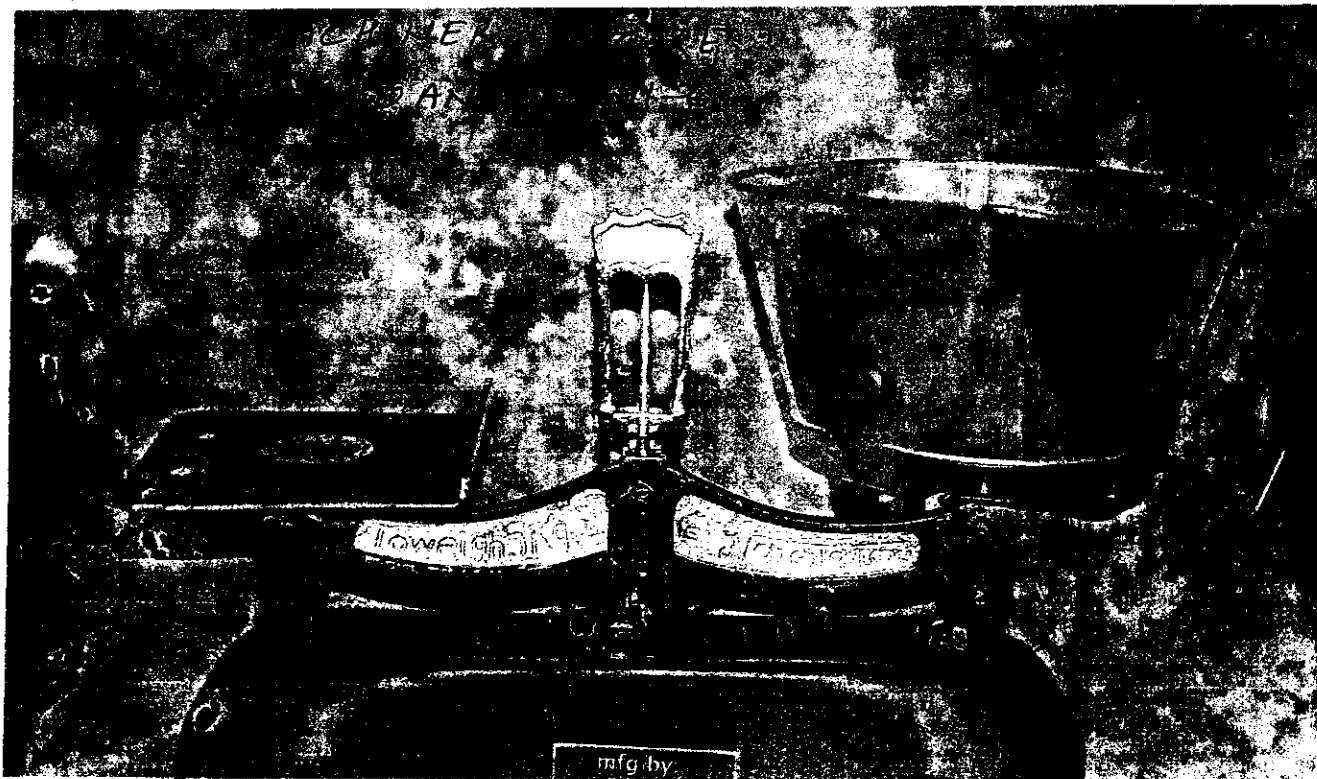
पी. ए. कृष्णामूर्ति, निदेशक, विधिक माप विज्ञान

New Delhi, the 17th January, 2003

S.O. 282.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the Model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said Model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied condition ;

Now, therefore, in exercise of the powers conferred by sub-section (7) of section 36 of the said Act, the Central Government hereby publishes the certificate of the approval of the Model of (mechanical) counter machine with brand name "SEW" (herein referred to as the Model) manufactured by M/s. Singla Machinery Store, 1771, Lal Kuan, Delhi-110006, and which is assigned the approval mark IND/09/2002/19;

The said Model (see the figure given) is a counter machine (mechanical). The maximum capacity is 5 kg.



Further, in exercise of the powers conferred by sub-section (12) of the said section, the Central Government hereby declares that this certificate of approval of the Model shall also cover the weighing instrument of similar make, accuracy and performance of the same series with maximum capacity up to 50 kg, manufactured by the same manufacturer in accordance with the same principle, design and with the same material with which, the approved Model has been manufactured.

[F. No. WM-21(221)/2001]

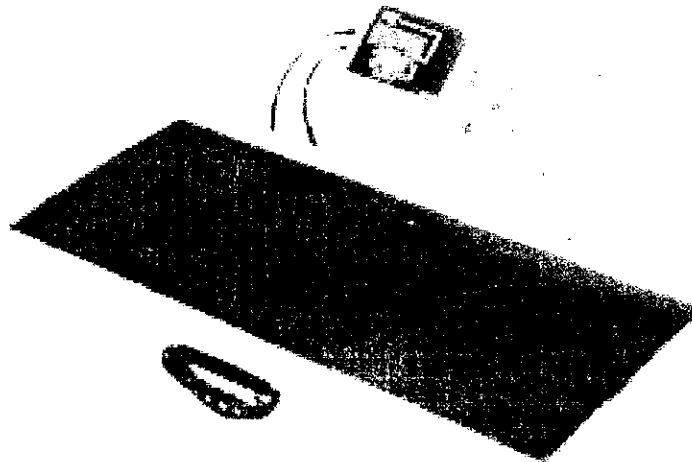
P. A. KRISHNAMOORTHY, Director, Legal Metrology

नई दिल्ली, 17 जनवरी, 2003

का.आ. 283.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट तथा माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः अब केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उपधारा (7) और उपधारा (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मैसर्स एटकाम टेक्नालाजीज लि., 6 ए, लाल बानी इंडस्ट्रियल एस्टेट, 14, जी. डी. अम्बेडकर रोड, वाडला, मुंबई-400031 द्वारा विनिर्मित मध्यम यथार्थता (यथार्थता वर्ग 3) वाले "ए पी वी" श्रृंखला के स्वतः सूचक, अस्वचालित, अंकक सूचन सहित तोलन उपकरण (प्लेट फार्म प्रकार) के मॉडल का, जिसके ब्रांड का नाम "एटको" है (जिसे इसमें इसके पश्चात् मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/2002/28 समनुदेशित किया है, अनुमोदन प्रमाणपत्र प्रकाशित करती है।

उक्त मॉडल एक भार सेल पर आधारित तोलन उपकरण है। इसकी अधिकतम क्षमता 100 कि. ग्रा. और न्यूनतम क्षमता 400 ग्रा. है। सत्यापन मापमान (ई) का मान 20 कि. ग्रा. है। इसमें एक आधेयतुलन युक्ति है जिसका शत प्रतिशत व्यवकलनात्मक धारित आधेयतुलन प्रभाव है। प्रकाश उत्सर्जक डायोड (एल ई डी) प्रदर्श तोलन परिणाम उपदर्शित करता है। उपकरण 230 वोल्ट और 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।



APV Series

और, केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उपधारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि मॉडल के इस अनुमोदन प्रमाणपत्र के अंतर्गत, उसी श्रृंखला के उसी मेक, यथार्थता और कार्यपालन वाले ऐसे तोलन उपकरण भी होंगे जिनकी न्यूनतम क्षमता 50 कि. ग्रा. से अधिक और अधिकतम क्षमता 300 कि. ग्रा. तक है और जिनका विनिर्माण उसी विनिर्माता द्वारा उसी सिद्धान्त, डिजाइन और उसी सामग्री से किया जाता है जिससे अनुमोदित मॉडल का विनिर्माण किया गया है, और जिनके सत्यापन मापमान अन्तराल (एन) की 10 कि. ग्रा. या इससे अधिक के "ई" मान के लिए 500 से 10,000 की रेंज में है तथा जिनका "ई" मान 1×10^{-3} , 2×10^{-3} या 5×10^{-3} है जिसमें के धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य है।

[फा. सं. डब्ल्यू एम-21(259)/2001]

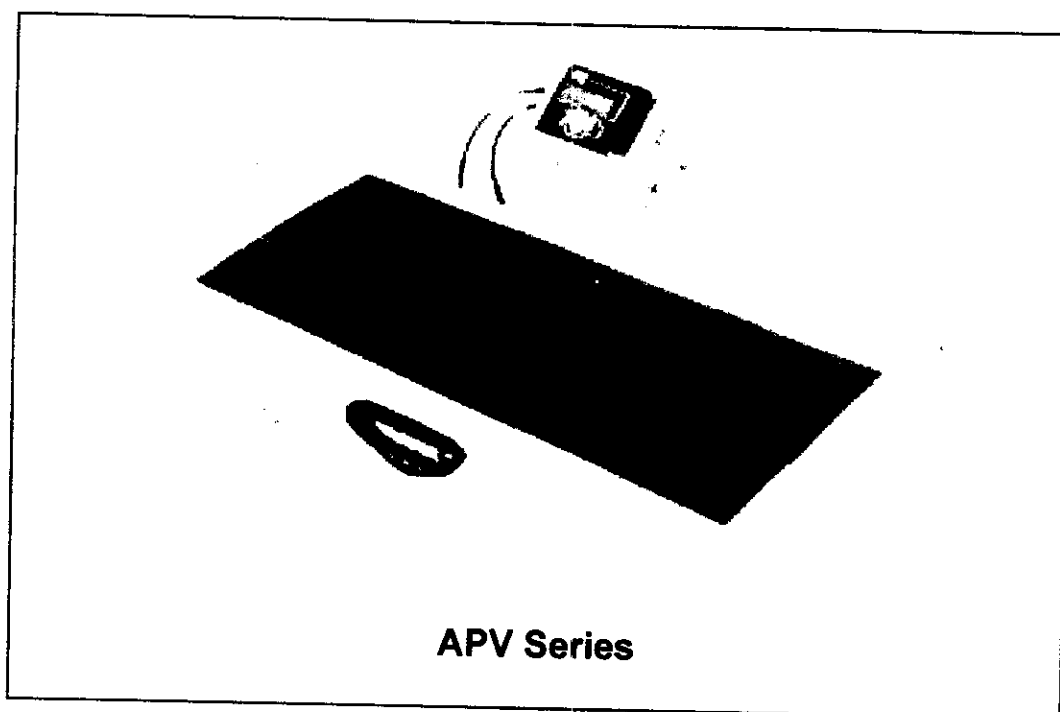
पी. ए. कृष्णामूर्ति, निदेशक, विधिक माप विज्ञान

New Delhi, the 17th January, 2003

S.O. 283.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the Models described in the said report (the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said model is likely to maintain its accuracy over period of sustained use and to render accurate service under varied conditions ;

Now, therefore, in exercise of the powers conferred by sub-section (7) and sub-section (8) of section 36 of the said Act, the Central Government hereby publishes the certificate of approval of the model of self-indicating, non-automatic (Platform type) weighing Instrument with digital indication of "APV" series of Medium Accuracy (Accuracy class III) and with brand name "ATCO" (hereinafter referred to as the model), manufactured by M/s. ATCOM Technologies Limited, 6A, Lalwani Industrial Estate, 14, G. D. Ambedkar Road, Mumbai-400 031 and which is assigned the approval mark IND/09/2002/28;

The said model is a load cell based weighing instrument with a maximum capacity 100kg. and minimum capacity of 400g. The verification scale interval (e) is 20g. It has a tare device with a 100 per cent subtractive retained tare effect. The light emitting diode indicates the weighing result. The instrument operates on 230 volts and 50 Hertz. alternate current power supply.



Further, in exercise of the powers conferred by sub-section (12) of the said section, the Central Government hereby declares that this certificate of approval of the model shall also cover the weighing instrument of similar make, accuracy and performance of same series with minimum capacity above 50 kg. and maximum capacity up to 300 kg. with verification scale interval (n) in the range of 500 to 10000 for 'e' value of 10kg. or more and with 'e' value of 1×10^k , 2×10^k or 5×10^k , k being a positive or negative whole number or equal to zero manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the approved Model have been manufactured.

[F. No. WM-21(259)/2001]

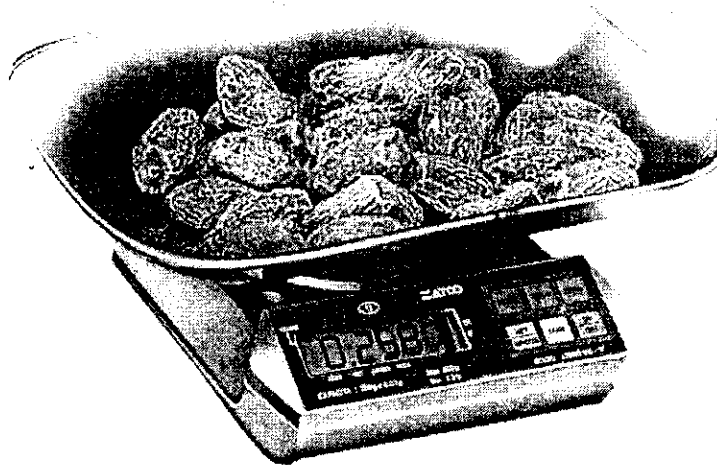
P. A. KRISHNAMOORTHY, Director, Legal Metrology

नई दिल्ली, 17 जनवरी, 2003

का.आ. 284.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित माडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट तथा माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः अब केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उपधारा (7) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मैसर्स एटकाम टेक्नालाजीज लि., 6ए लालवानी इंडस्ट्रियल एस्टेट, 14, जी डी, अम्बेडकर रोड, वाडला, मुंबई-400031 द्वारा विनिर्मित मध्यम यथार्थता (यथार्थता वर्ग 3) वाले "एम एस" श्रृंखला के स्वतः सूचक, अस्वचालित, इलेक्ट्रॉनिक, अंकक सूचन सहित तोलन उपकरण (टेबल टॉप प्रकार) के माडल का, जिसके ब्रांड का नाम "एटको" है (जिसे इसमें इसके पश्चात् माडल कहा गया है), और जिसे अनुमोदन चिह्न आई एन डी/09/2002/25 समनुदेशित किया गया है, अनुमोदन प्रमाणपत्र प्रकाशित करती है;

उक्त माडल एक भार सेल पर आधारित तोलन उपकरण है। इसकी अधिकतम क्षमता 5 कि. ग्रा. और न्यूनतम क्षमता 20 ग्राम है। सत्यापन मापमान (ई) का मान 1 ग्राम है। इसमें एक आधेयतुलन युक्ति है जिसका शत प्रतिशत व्यकलनात्मक धारित आधेयतुलन प्रभाव है। प्रकाश उत्सर्जक डायोड (एल ई डी) प्रदर्श तोलन परिणाम उपदर्शित करता है। उपकरण 230 वोल्ट और 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।



MS Series
Class III

और, केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उपधारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि माडल के इस अनुमोदन प्रमाणपत्र के अंतर्गत, उसी श्रृंखला के उसी मेक, यथार्थता और कार्यपालन वाले ऐसे तोलन उपकरण भी होंगे जिनकी अधिकतम क्षमता 50 कि. ग्रा. तक है और जिनका विनिर्माण उसी विनिर्माता द्वारा उसी सिद्धान्त, डिजाइन और उसी सामग्री से किया जाता है जिससे अनुमोदित मॉडल का विनिर्माण किया गया है, और जिनके सत्यापन मापमान अन्तराल (एन) की 100 मि. ग्रा. से 2 ग्रा. के "ई" मान के लिए 100 से 10,000 तक के रेंज में और 5 ग्रा. या इससे अधिक के "ई" मान के लिए 500 से 10,000 के रेंज में है तथा जिनका "ई" मान 1×10^{-6} , 2×10^{-6} या 5×10^{-6} है जिसमें 'के' धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य है।

[पत्र. सं. डब्ल्यू एम-21(259)/2001]

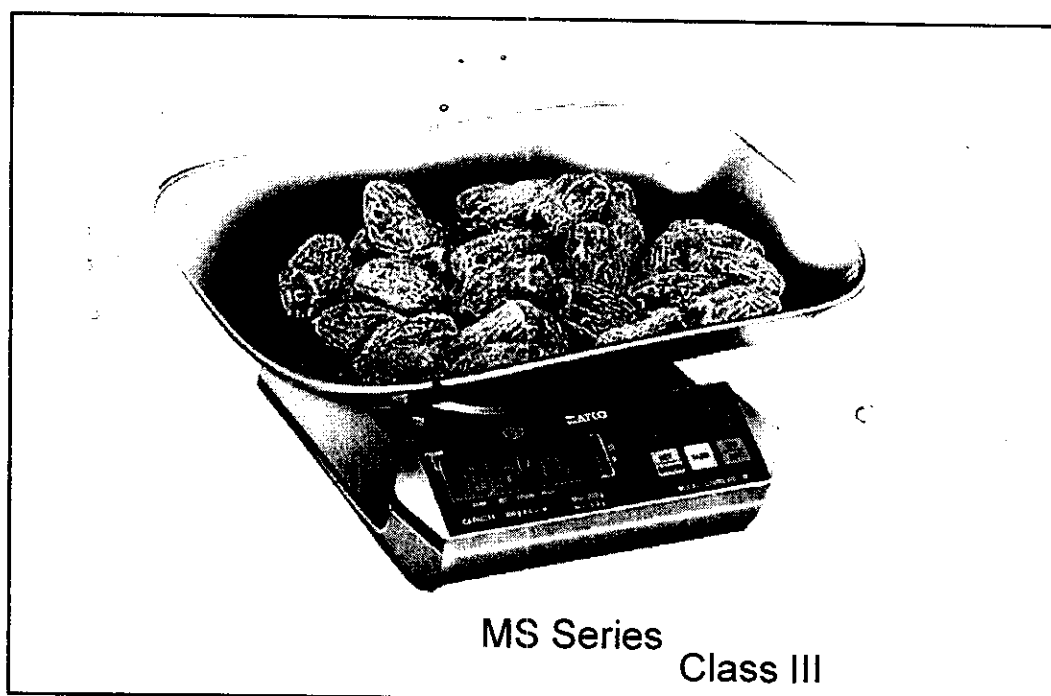
पी. ए. कृष्णामूर्ति, निदेशक, विधिक माप विज्ञान

New Delhi, the 17th January, 2003

S.O. 284.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the Models described in the said report (the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said model is likely to maintain its accuracy over period of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-section (7) and sub-section (8) of section 36 of the said Act, the Central Government hereby publishes the certificate of approval of model of self-indicating, non-automatic (Table top type) weighing instrument with digital indication of "MS" series of Medium Accuracy (Accuracy class III) and with brand name "ATGO" (hereinafter referred to as the model), manufactured by M/s. ATCOM Technologies Limited, 6A, Lalwani Industries Estate, 14, G. D. Ambedkar Road, Mumbai-400 031 and which is assigned the approval mark IND/09/2002/25;

The said model is a load cell based weighing instrument with a maximum capacity of 5kg and minimum capacity of 20 gram. The verification scale interval (e) is 1 g. It has a tare device with a 100 per cent subtractive retained tare effect. The light emitting diode indicates the weighing result. The instruments operates on 230 Volts and 50 Hertz alternate current power supply.



Further, in exercise of the power conferred by sub-section (12) of the said section, the Central Government hereby declares that this certificate of approval of the model shall also cover the weighing instrument of the similar make, accuracy and performance of same series with maximum capacity upto 50 kg with number of verification scale interval (n) in the range of 100 to 10,000 for 'e' value of 100 mg to 2g and with the number of verification interval (n) in the range of 500 to 10,000 for 'e' value of 5g or more and with 'e' value of 1×10^k , 2×10^k or 5×10^k , k being a positive or negative whole number or equal to zero manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the approved Model have been manufactured.

[F. No. WM-21(259)/2001]

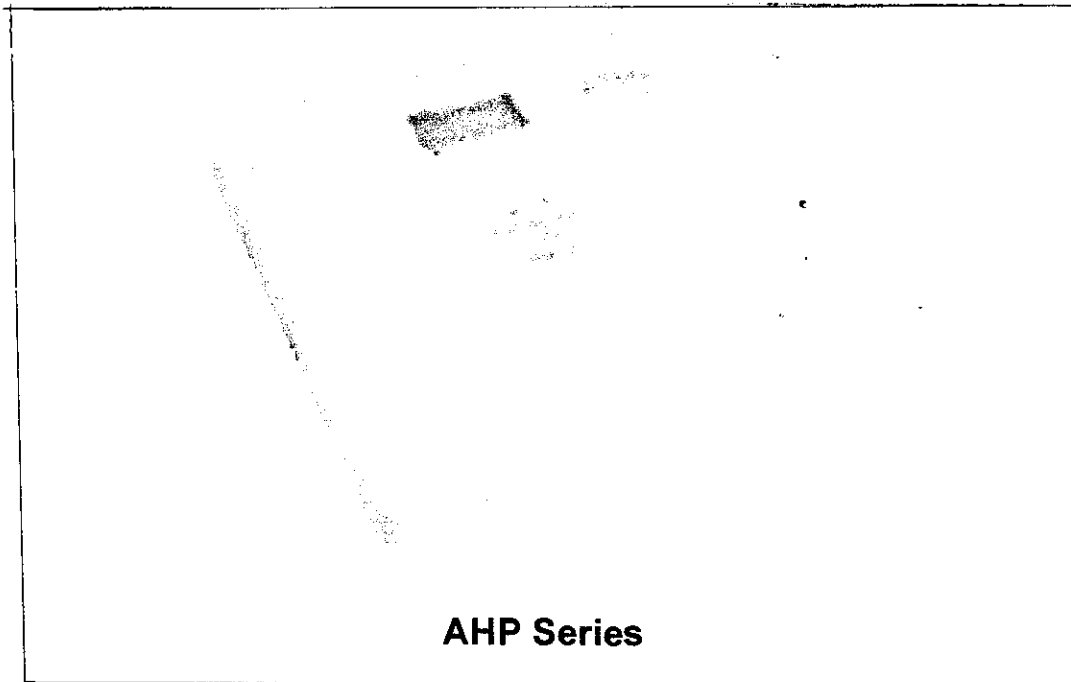
P. A. KRISHNAMOORTHY, Director Legal Metrology

नई दिल्ली, 17 जनवरी, 2003

का.आ. 285.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित माडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट तथा माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः अब केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उपधारा (7) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मैसर्स एटकाम टेक्नालाजीज लि., 6 ए लाल बानी इंडस्ट्रियल एस्टेट, 14, जी डी, अम्बेडकर रोड, वाडला, मुंबई-400031 द्वारा विनिर्मित मध्यम यथार्थता (यथार्थता वर्ग 3) वाले “ए एच पी” श्रृंखला के स्वतः सूचक, अस्वचालित, अंकक सूचन सहित तोलन उपकरण (व्यक्ति द्वारा तोलन स्केल) के माडल का, जिसके ब्रांड का नाम “एटको” है (जिसे इसमें इसके पश्चात् माडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/2002/26 समनुदेशित किया गया है, अनुमोदन प्रमाणपत्र प्रकाशित करती है।

उक्त माडल (आकृति देखें) तोलन उपकरण है। इसकी अधिकतम क्षमता 150 कि. ग्रा. और न्यूनतम क्षमता 4 कि. ग्रा. है। सत्यापन मापमान (ई) का मान 200 ग्राम है। इसमें एक आद्येतुलन युक्ति है जिसका शत प्रतिशत व्यकलनात्मक धारित आद्येतुलन प्रभाव है। प्रकाश उत्सर्जक डायोड (एल ई डी) प्रदर्श तोलन परिणाम उपदर्शित करता है। उपकरण 230 वोल्ट और 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।



और, केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उपधारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि मॉडल के इस अनुमोदन प्रमाणपत्र के अंतर्गत, उसी श्रृंखला के उसी मेक, यथार्थता और कार्यपालन वाले ऐसे तोलन उपकरण भी होंगे जिनकी अधिकतम क्षमता 150 कि. ग्रा. तक है और जिनका विनिर्माण उसी विनिर्माता द्वारा उसी सिद्धान्त, डिजाइन और उसी सामग्री से किया जाता है जिससे अनुमोदित मॉडल का विनिर्माण किया गया है, और जिनके सत्यापन माप मान अन्तराल (एन) (5 ग्रा. या इससे अधिक) 5 ग्रा. के बराबर के “ई” मान के लिए 100 से 10,000 के रेंज में है तथा जिनका “ई” मान 1×10^{-6} , 2×10^{-6} या 5×10^{-6} है जिसमें ‘के’ धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य है।

[फा. सं. डब्ल्यू एम-21(259)/2001]

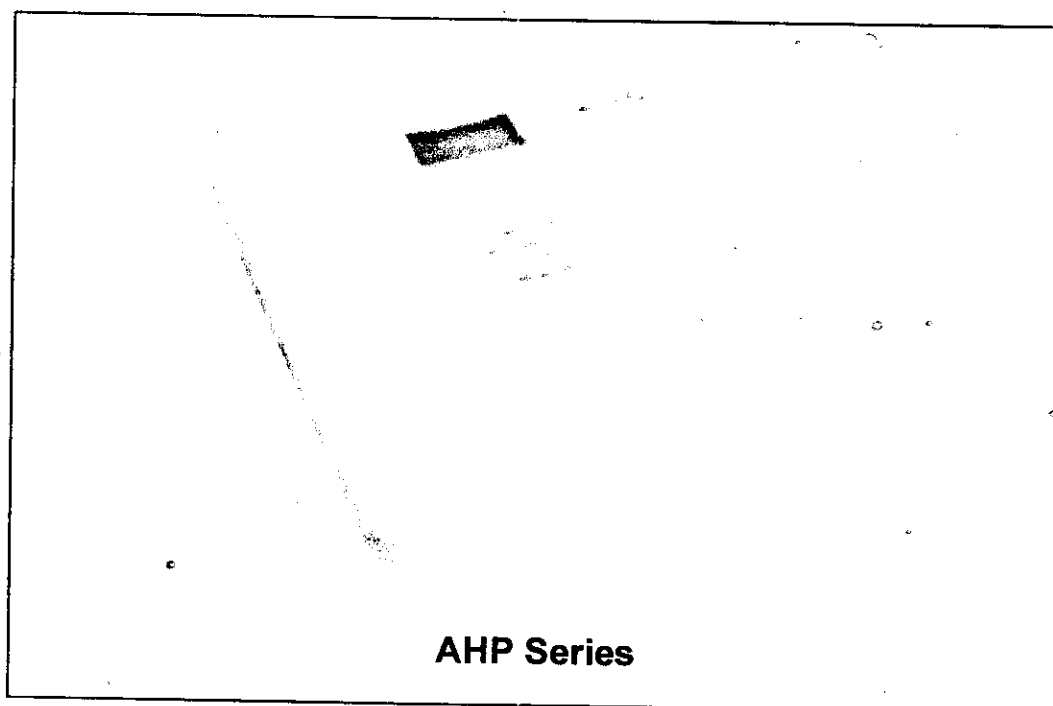
पी. ए. कृष्णामूर्ति, निदेशक, विधिक माप विज्ञान

New Delhi, the 17th January, 2003

S.O. 285.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the Models described in the said report (the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said model is likely to maintain its accuracy over period of sustained use and to render accurate service under varied conditions ;

Now, therefore, in exercise of the powers conferred by sub-section (7) and sub-section (8) of section 36 of the said Act, the Central Government hereby publishes the certificate of approval of model of self-indicating, non-automatic (Person weighing scale type) weighing instrument with digital indication of "AHP" series of Medium accuracy (Accuracy class- III) and with brand name "ATCO" (hereinafter referred to as the model), manufactured by M/s. ATCOM Technologies Limited, 6A, Lalwani Industries Estate, 14, G. D. Ambedkar Road, Mumbai-400 031 and which is assigned the approval mark IND/09/2002/26;

The said model is a load cell based weighing instrument with a maximum capacity of 150kg and minimum capacity of 4kg. The verification scale interval (e) is 200g. It has a tare device with a 100 percent subtractive retained tare effect. The light emitting diode indicates the weighing result. The instrument operates on 230 Volts and 50 Hertz alternate current power supply.



Further, in exercise of the power conferred by sub-section (12) of the said section, the Central Government hereby declares that this certificate of approval of the model shall also cover the weighing instrument of similar make, accuracy and performance of same series with maximum capacity up to 150 kg with number of verification scale interval (n) in the range of 500 to 10000 for 'e' value of 20g or more and with 'e' value of 1×10^k , 2×10^k or 5×10^k , k being a positive or negative whole number or equal to zero manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the approved Model have been manufactured.

[F. No. WM-21(259)/2001]

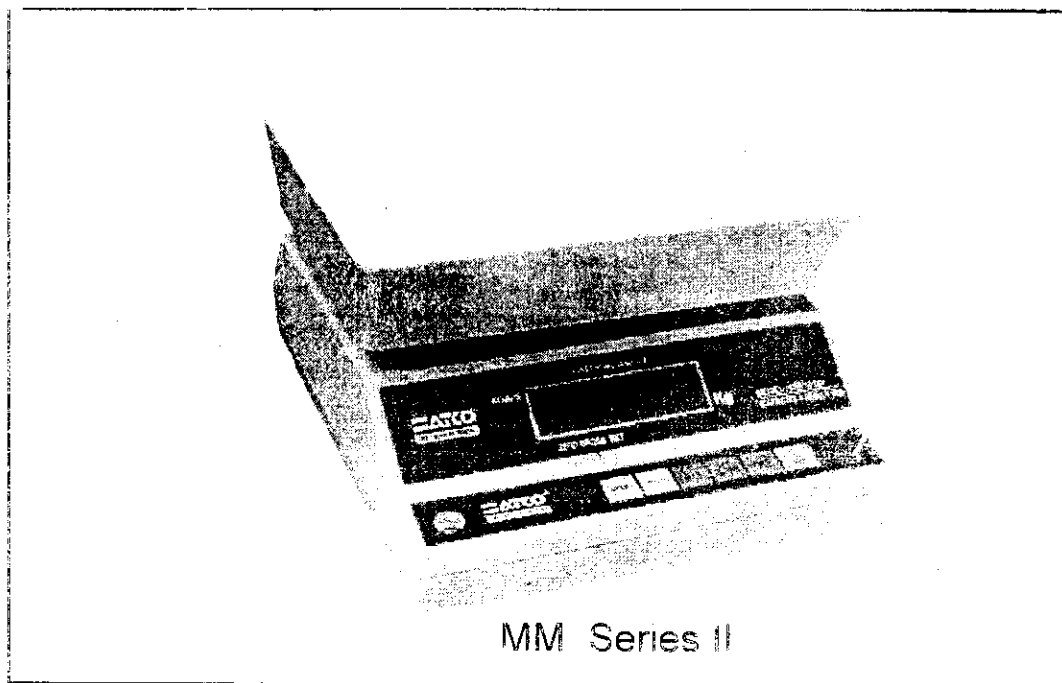
P. A. KRISHNAMOORTHY, Director Legal Metrology

नई दिल्ली, 17 जनवरी, 2003

का.आ. 286.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित माडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट तथा माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः अब केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उपधारा (7) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मैसर्स एटकाम टेक्नालाजीज लि., 6 ए लाल बानी इंडस्ट्रियल एस्टेट, 14, जी डी, अम्बेडकर रोड, वाडला, मुंबई-400031 द्वारा विनिर्मित मध्यम यथार्थता (यथार्थता वर्ग 3) वाले “एम एम” शृंखला के स्वतः सूचक, अस्वचालित, अंकक सूचन सहित तोलन दोहरे रेंज वाले उपकरण (टेबल टॉप प्रकार) के माडल का, जिसके ब्रांड का नाम “एटको” है (जिसे इसमें इसके पश्चात् माडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/2002/27 समनुदेशित किया है, गया अनुमोदन प्रमाणपत्र प्रकाशित करती है।

उक्त माडल भार सेल पर आधारित दोहरे रेंज का तोलन उपकरण है। इसकी अधिकतम क्षमता 6 क्रि. ग्रा. और न्यूनतम क्षमता 20 ग्रा. है। सत्यापन मापमान (ई) का मान 3 कि. ग्रा. तक 1 ग्रा. और 3 कि. ग्रा. से ऊपर 2 ग्रा. है। इसमें एक आद्येतुलन युक्ति है जिसका शत प्रतिशत व्यवकलनात्मक धारित आद्येतुलन प्रभाव है। प्रकाश उत्सर्जक डायोड (एल ई डी) प्रदर्श तोलन परिणाम उपदर्शित करता है। उपकरण 230 वोल्ट और 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।



और, केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उपधारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि मॉडल के इस अनुमोदन प्रमाणपत्र के अंतर्गत, उसी शृंखला के उसी मेक, यथार्थता और कार्यपालन वाले ऐसे तोलन उपकरण भी होंगे जिनकी अधिकतम क्षमता 50 क्रि. ग्रा. तक है और जिनका विनिर्माण उसी विनिर्माता द्वारा उसी सिद्धान्त, डिजाइन और उसी सामग्री से किया जाता है जिससे अनुमोदित माडल का विनिर्माण किया गया है, और जिनके सत्यापन मापमान अन्तराल (एन) या 100 मि. ग्रा. से 2 ग्रा. के “ई” मान के लिए 100 से 10,000 के रेंज में है और 5 ग्रा. या इससे अधिक के “ई” मान के लिए 500 से 10,000 के रेंज में है तथा जिनका “ई” मान 1×10^{-6} , 2×10^{-6} या 5×10^{-6} है जिसमें के धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य है।

[फा. सं. डब्ल्यू एम-21(259)/2001]

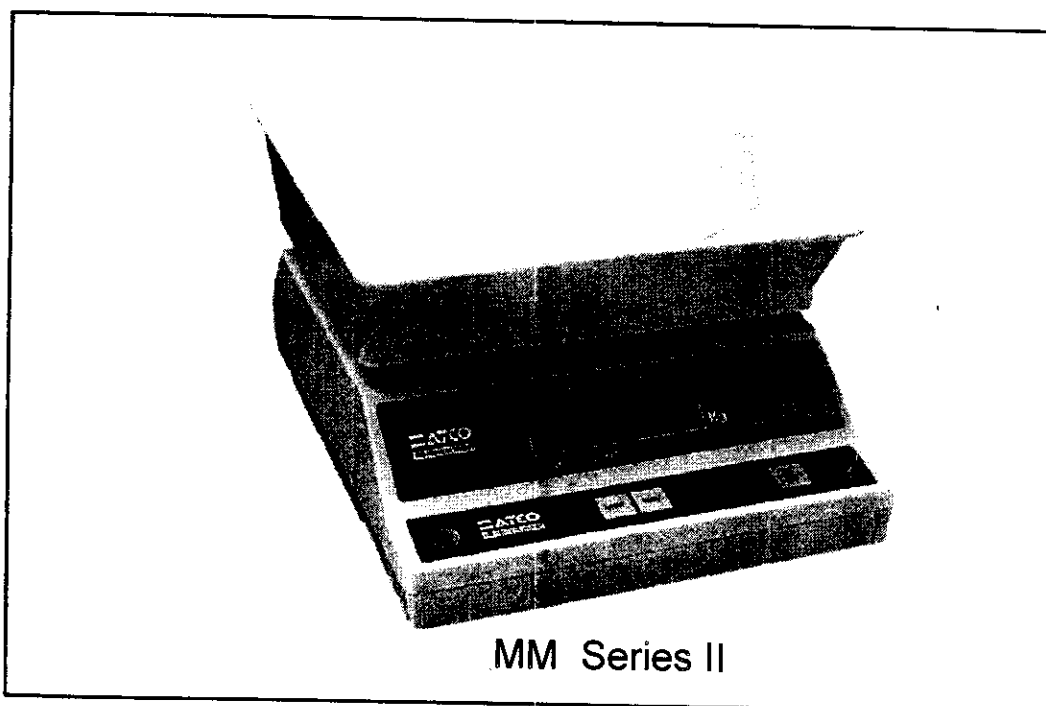
पी. ए. कृष्णामूर्ति, निदेशक, विधिक माप विज्ञान

New Delhi, the 17th January, 2003

S.O. 286.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the models described in the said report (the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said model is likely to maintain its accuracy over period of sustained use and to render accurate service under varied conditions ;

Now, therefore, in exercise of the powers conferred by Sub-section (7) and Sub-section (8) of Section 36 of the said Act, the Central Government hereby publishes the certificate of approval of model of self indicating, non-automatic dual range (Table top type) weighing instrument with digital indication of "MM" series of Medium accuracy (Accuracy class- III) and with brand name "ATCO" (hereinafter referred to as the model), manufactured by M/s. ATCOM Technologies Limited, 6A, Lalwani Industries Estate, 14, G. D. Ambedkar Road, Mumbai-400 031 and which is assigned the approval mark IND/09/2002/27;

The said model is a load cell based dual range weighing instrument with a maximum capacity of 6kg and minimum capacity of 20g. The verification scale interval (e) is 1g. up to 3kg. and 2g. above 3kg. and up to 6kg. It has a tare device with a 100 percent subtractive retained tare effect. The light emitting diode indicates the weighing result. The instrument operates on 230 Volts and 50 Hertz alternate current power supply.



Further, in exercise of the powers conferred by Sub-section (12) of the said Section 36, the Central Government hereby declares that this certificate of approval of the model shall also cover the weighing instruments of similar make, accuracy and performance of same series with maximum capacity up to 50kg. with of verification scale interval (n) in the range of 100 to 10,000 for 'e' value of 100 mg., to 2g. and with the number of verification scale interval (n) in the range 500 to 10,000 for 'e' value of 5g. or more and with 'e' value of 1×10^k , 2×10^k or 5×10^k , k being a positive or negative whole number or equal to zero manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the approved Model have been manufactured.

[F. No. WM-21(259)/2001]

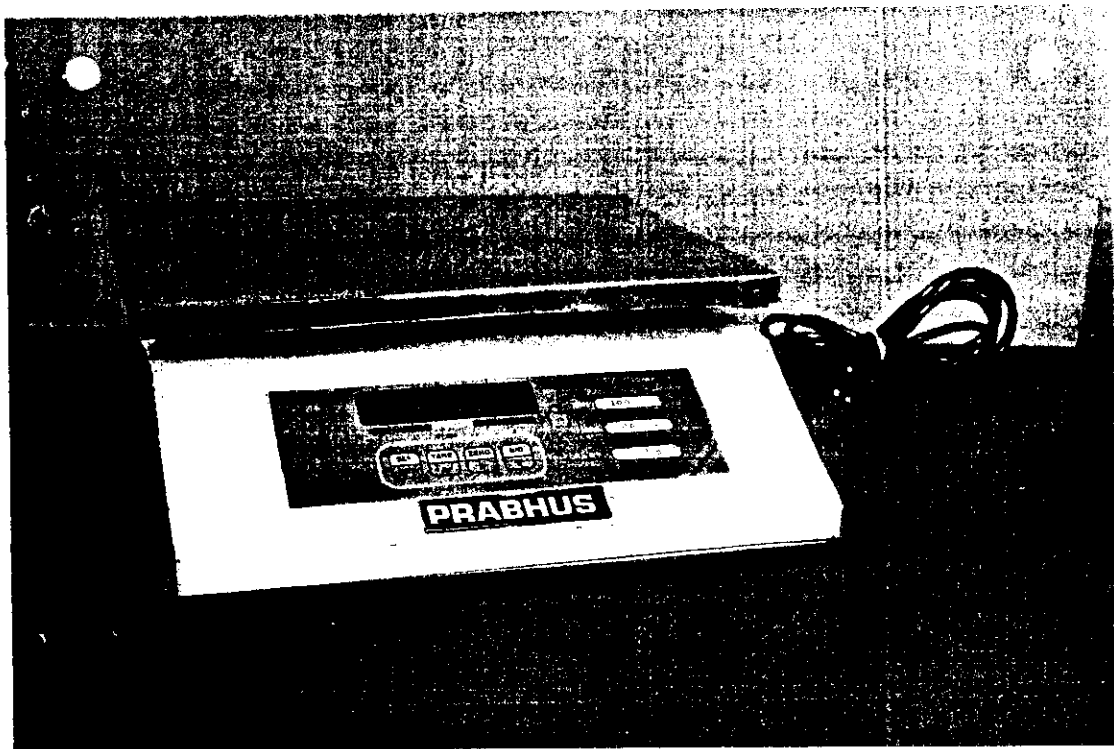
P. A. KRISHNAMOORTHY, Director Legal Metrology

नई दिल्ली, 17 जनवरी, 2003

का.आ. 287.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित माडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट तथा माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः अब केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उपधारा (7) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मैसर्स प्रभु स्केल्स 9-15 बी, मेन रोड, एडयारपलयम, कुनियामुथुर डाकखाना कोयम्बटूर - 640008 द्वारा विनिर्मित मध्यम यथार्थता (यथार्थता वर्ग 3) वाले "पी आर बी - टी टी" शृंखला के अस्वचालित, अंकक सूचन सहित तोलन उपकरण (टेबल टाप प्रकार) के मॉडल का, जिसके ब्रांड का नाम "प्रभुज" है (जिसे इसमें इसके पश्चात् मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/2002/18 समनुदेशित किया गया है, अनुमोदन प्रमाणपत्र प्रकाशित करती है।

उक्त मॉडल एक लोड सेल आधारित अस्वचालित तोलन उपकरण (टेबल टाप) है। इसकी अधिकतम क्षमता 30 क्रि. ग्रा. और न्यूनतम क्षमता 100 ग्रा. है। सत्यापन मापमान अंतराल (ई) का मान 5 ग्राम है। इसमें एक आघेयतुलन युक्ति है जिसका शत प्रतिशत व्यवकलनात्मक धारित आघेयतुलन प्रभाव है। प्रकाश उत्सर्जक डायोड (एल ई डी) प्रदर्श तोलन परिणाम उपदर्शित करता है। उपकरण 230 वोल्ट और 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है। प्रयोग किया गया सेल खिंचाव माप प्रकार का है।



और, केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उपधारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि मॉडल के इस अनुमोदन प्रमाणपत्र के अंतर्गत, उसी शृंखला के उसी मेक, यथार्थता और कार्यपालन वाले ऐसे तोलन उपकरण भी होंगे जिनकी अधिकतम क्षमता 50 क्रि. ग्रा. तक है और जिनका विनिर्माण उसी विनिर्माता द्वारा उसी सिद्धान्त, डिजाइन और उसी सामग्री से किया जाता है जिससे अनुमोदित मॉडल का विनिर्माण किया गया है, और जिनके सत्यापन मापमान अन्तराल (एन) की संख्या 100 मि. ग्रा. से 2 ग्रा. के "ई" मान के लिए 100 से 10,000 की रेंज में है और 5 ग्राम या अधिक के "ई" मान के लिए 500 से 10,000 की रेंज में है तथा जिनका "ई" मान 1×10 के, 2×10^{-2} , 5×10^{-2} है जिसमें के धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य है।

[फा. सं. डब्ल्यू एम-21(302)/2001]

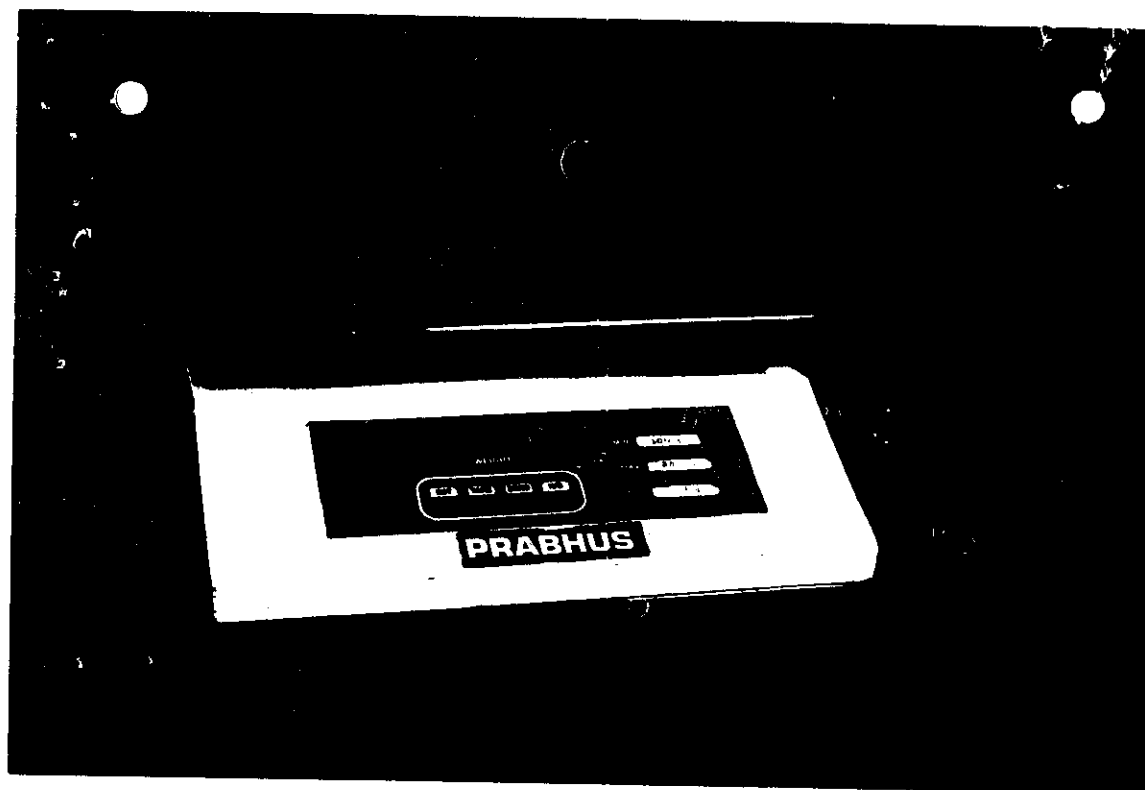
पी. ए. कृष्णामूर्ति, निदेशक, विधिक माप विज्ञान

New Delhi, the 17th January, 2003

S.O. 287.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by Sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby publishes the certificate of approval of model of the non-automatic weighing instrument (table top type) with digital indication belonging to medium accuracy (Accuracy class-III), of PRB-TT series with brand name "PRABHUS" (hereinafter referred to as the model), manufactured by M/s. Prabhu Scales 9-158-B, Main Road, Edayarpalayam, Kuniyamuthur P.O.-Coimbatore-641008 and which is assigned the approval mark IND/09/2002/18;

The said model is a load cell based non-automatic weighing instrument (Table top type). The maximum capacity is 30kg and minimum capacity of 100g. The value of verification scale interval (e) is 5g. It has a tare device with a 100 per cent subtractive retained tare effect. The light emitting diode (LED) display indicates the weighing result. The instrument operates on 230 V and 50 Hz alternative current power supply. The load cell used is of strain gauge type.



Further, in exercise of the powers conferred by Sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the model shall also cover the weighing instruments of similar make, accuracy and performance of same series with maximum capacity up to 50kg with verification scale interval (n) in the range of 100 to 10000 for 'e' value of 100mg to 2g and with verification scale interval (n) in the range of 500 to 10,000 for 'e' value of 5g or more and with 'e' value of 1×10^k , 2×10^k or 5×10^k , k being a positive or negative whole number or equal to zero manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the approved Model has been manufactured.

[F. No. WM-21(302)/2001]

P. A. KRISHNAMOORTHY, Director Legal Metrology

पेट्रोलियम और प्राकृतिक गैस मंत्रालय

नई दिल्ली, 13 जनवरी, 2003

का. आ. 288.—केन्द्रीय सरकार को लोकहित में यह आवश्यक प्रतीत होता है कि गुजरात राज्य में सोभासण कूप नं. 19 से सोभासण इटीपी तक पेट्रोलियम उत्पादों के परिवहन के लिए ऑयल एण्ड नैचुरल गैस कारपोरेशन लि. द्वारा एक पाइपलाइन बिछाई जानी चाहिए।

और केन्द्रीय सरकार को उक्त पाइपलाइन बिछाने के प्रयोजन के लिए यह आवश्यक प्रतीत होता है कि उस भूमि में जिसमें पाइप लाइन बिछाए जाने का प्रस्ताव है, और जो इस अधिसूचना से संलग्न अनुसूची में वर्णित है, उपयोग के अधिकार का अर्जन किया जाए।

अतः, अब, केन्द्रीय सरकार, पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम 1962 (1962 का 50) की धारा 3 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, उस भूमि में उपयोग का अधिकार अर्जन करने के अपने आशय की घोषणा करती है।

कोई व्यक्ति, जो उक्त अनुसूची में वर्णित भूमि में हितबद्ध है, उस तारीख से जिसको राजपत्र में यथा प्रकाशित इस अधिसूचना की प्रतियां साधारण जनता को उपलब्ध करा दी जाती हैं, इक्कीस दिन के भीतर भूमि के नीचे पाइपलाइन बिछाने के लिए उसमें उपयोग के अधिकार अर्जन के सम्बन्ध में सक्षम प्राधिकारी, ऑयल एण्ड नैचुरल गैस कारपोरेशन लि., कन्सट्रक्शन एंड मॉन्टिनेन्स डिवीजन, मकरपुरा रोड, बड़ोदरा-390009 को लिखित रूप में आक्षेप, भेज सकेगा।

अनुसूची

सोभासण कूप नं. 19 से सोभासण इटीपी तक पाइप लाइन बिछाने के लिए

राज्य : गुजरात जिला : महेसाणा तालुका : महेसाणा

गांव	ब्लोक नं.	हेक्टर	आरे	सेन्टीआर
1	2	3	4	5
पुनासन	270	0	08	84
	275	0	13	00
	269	0	05	72
	267	0	06	24
	198	0	22	36
	197	0	28	60
	195	0	27	04
कार्ट ट्रेक		0	01	56
	162	0	03	64
	163	0	06	24
	164	0	04	68

1	2	3	4	5
	165	0	02	60
	161	0	01	56
	160	0	08	32
	159	0	15	60
	152	0	03	64
	कार्ट ट्रेक	0	01	04
हेबुआ	61	0	01	56
	62	0	15	08
	63	0	01	58

[फा.सं. ओ-12016/16/2001/ओएनजी/डी-4]

एन.सी. जाखूप, अवर सचिव

MINISTRY OF PETROLEUM AND NATURAL GAS

New Delhi, the 13th January, 2003

S.O. 288.—Whereas it appears to the Central Government that it is necessary in the public interest that for the transportation of petroleum products from Sobhasan Well No. 19 to Sobhasan ETP in the State of Gujarat, a pipeline should be laid by the Oil and Natural Gas Corporation Limited.

And whereas, it appears, to the Central Government that for the purpose of laying the said pipeline, it is necessary to acquire the right of user in the land under which the said pipeline is proposed to be laid, and which is described in the Schedule annexed to this notification.

Now, therefore, in exercise of the powers conferred by Sub-section (1) of Section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), the Central Government hereby declares its intention to acquire the right of user therein.

Any person interested in the land described in the said Schedule may within twenty one days from the date on which the copies of the notification issued under sub-section (1) of section 3 of the said Act, as published in the Gazette of India, are made available to the general public, object in writing to the laying of the pipeline under the land to the Competent Authority, Oil and Natural Gas Corporation Ltd., Construction and Maintenance Division, Makarpura Road, Vadodara-390009.

SCHEDULE

Pipeline from Sobhasan Well No. 19 to Sobhasan E.T.P.

State : Gujarat District : Mehsana Taluka : Mehsana

Village	Block No.	Hectare	Are	Centiare
1	2	3	4	5
Punasan	270	0	08	84
	275	0	13	00
	269	0	05	72

1	2	3	4	5
Punasan	267	0	06	24
	198	0	22	36
	197	0	28	60
	195	0	27	04
Cart track		0	01	56
	162	0	03	64
	163	0	06	24
	164	0	04	68
	165	0	02	60
	161	0	01	56
	160	0	08	32
	159	0	15	60
	152	0	03	64
Cart track		0	01	04
Hcbuwa	61	0	01	56
	62	0	15	08
	63	0	01	58

[F.No. O-12016/16/2001/ONG/D-IV]

N.C. ZAKHUP, Under Secy.

नई दिल्ली, 13 जनवरी, 2003

का. आ. 289.—केन्द्रीय सरकार को लोकहित में यह आवश्यक प्रतीत होता है कि गुजरात राज्य में लिम्बोद्रा इपीएस से पलीयड इपीएस से बडु इपीएस से जीजीएस-IX कलोल से जीजीएस-IV कलोल तक पेट्रोलियम उत्पादों के परिवहन के लिए ऑयल एण्ड नैचुरल गैस कारपोरेशन लि. द्वारा एक पाइपलाइन बिछाई जानी चाहिए।

और केन्द्रीय सरकार को उक्त पाइपलाइन बिछाने के प्रयोजन के लिए यह आवश्यक प्रतीत होता है कि उस भूमि में जिसमें पाइप लाइन बिछाए जाने का प्रस्ताव है, और जो इस अधिसूचना से संलग्न अनुसूची में वर्णित है, उपयोग के अधिकार का अर्जन किया जाए।

अतः, अब, केन्द्रीय सरकार, पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम 1962 (1962 का 50) की धारा 3 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, उस भूमि में उपयोग का अधिकार अर्जन करने के अपने आशय की घोषणा करती है।

कोई व्यक्ति, जो उक्त अनुसूची में वर्णित भूमि में हितबद्ध है, उस तारीख से जिसको राजपत्र में यथा प्रकाशित इस अधिसूचना की प्रतियाँ साधारण जनता को उपलब्ध करा दी जाती है, इक्कीस दिन के भीतर भूमि के नीचे पाइपलाइन बिछाने के लिए उसमें उपयोग के अधिकार अर्जन के सम्बन्ध में सक्षम प्राधिकारी, ऑयल एण्ड नैचुरल गैस कारपोरेशन लि., कन्सट्रक्शन एंड मेन्टेनेन्स डिवीजन, मकरपुरा रोड, बडोदरा-390009 को लिखित रूप में आक्षेप, भेज सकेगा।

अनुसूची

लिम्बोद्रा इपीएस से पलीयड इपीएस से बडु इपीएस से जीजीएस-IX कलोल से जीजीएस-IV कलोल तक पाइप लाइन बिछाने के लिए।

राज्य : गुजरात जिला : महेसाणा तालुका : बीजापुर

गांव	सर्वे नं.	हेक्टर	आरे	सेन्टी
1	2	3	4	5
राजपुरा	61	0	13	05
	54/2	0	09	00
	55/1	0	08	82
	53/P	0	10	50
	52/2	0	00	40
	52/1	0	10	70
	कार्ट ट्रेक	0	00	90
	46/2	0	07	05
	45/4	0	04	95
	45/3	0	05	10
	45/2	0	00	20
	45/1	0	05	70
	44/4	0	04	80
	44/3	0	04	80
	44/1	0	05	40
	43/3/P	0	05	70
	43/2	0	04	80
	43/1	0	04	80
	41/4	0	05	40
	41/3	0	09	30
	कार्ट ट्रेक	0	00	75
	72/1	0	11	55
	73/1	0	07	65
	73/2			
	कार्ट ट्रेक	0	01	50

[फा.सं. ओ-12016/61/2001/ओएनजी/डी-4]

एन.सी. जाखुप, अवर सचिव

New Delhi, the 13th January, 2003

S.O. 289.—Whereas it appears to the Central Government that it is necessary in the public interest that for the transportation of petroleum products from Limbodara EPS to Poliad EPS to Wadi EPS to GGS-IX Kalol to GGS-IV Kalol in the State of Gujarat, a pipeline should be laid by the Oil and Natural Gas Corporation Limited.

And whereas, it appears, to the Central Government that for the purpose of laying the said pipeline, it is necessary to acquire the right of user in the land under which the said pipeline is proposed to be laid, and which is described in the Schedule annexed to this notification:

Now, therefore, in exercise of the powers conferred by Sub-section (1) of Section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), the Central Government hereby declares its intention to acquire the right of user therein.

Any person interested in the land described in the said Schedule may within twenty-one days from the date on which the copies of the notification issued under Sub-section (1) of Section 3 of the said Act, as published in the Gazette of India, are made available to the general public, object in writing to the laying of the pipeline under the land to the Competent Authority, Oil and Natural Gas Corporation Ltd., Construction and Maintenance Division, Makarpura Road, Vadodra-390 009.

SCHEDULE

Pipeline from Limbodara EPS to Paliyad EPS to Wadu EPS to GGS-IX Kalol to GGS-IV Kalol

State : Gujarat District : Mehsana Taluka : Vijapur

Village	Survey No.	Hectare	Are	Centiare
1	2	3	4	5
Rajpura	61	0	13	05
	54/2	0	09	00
	55/1	0	08	82
	53/P	0	10	50
	52/2	0	00	40
	52/1	0	10	70
	Cart track	0	00	90
	46/2	0	07	05
	45/4	0	04	95
	45/3	0	05	10
	45/2	0	00	20
	45/1	0	05	70
	44/4	0	04	80
	44/3	0	04	80
	44/1	0	05	40
	43/3/P	0	05	70
	43/2	0	04	80
	43/1	0	04	80
	41/4	0	05	40
	41/3	0	09	30
	Cart track	0	00	75
	72/1	0	11	55
	73/1			
	73/2	0	07	65
	Cart track	0	01	50

[F.No. O-12016/61/2001/ONG/D-IV]
N.C. ZAKHUP, Under Secy.

नई दिल्ली, 13 जनवरी, 2003

का. आ. 290.—केन्द्रीय सरकार को लोकहित में यह आवश्यक प्रतीत होता है कि गुजरात राज्य में लिम्बोदरा इपीएस से पलीयड इपीएस

से वडु इपीएस से जीजीएस-IX कलोल से जीजीएस-IV कलोल तक पेट्रोलियम उत्पादों के परिवहन के लिए ऑयल एण्ड नैचुरल गैस कारपोरेशन लि. द्वारा एक पाइपलाइन बिछाई जानी चाहिए।

और केन्द्रीय सरकार को उक्त पाइपलाइन बिछाने के प्रयोजन के लिए यह आवश्यक प्रतीत होता है कि उस भूमि में जिसमें पाइपलाइन बिछाए जाने का प्रस्ताव है, और जो इस अधिसूचना से संलग्न अनुसूची में वर्णित है, उपयोग के अधिकार का अर्जन किया जाए।

अतः, अब, केन्द्रीय सरकार, पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) की धारा 3 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, उस भूमि में उपयोग का अधिकार अर्जन करने के अपने आशय की घोषणा करती है।

कोई व्यक्ति, जो उक्त अनुसूची में वर्णित भूमि में हितबद्ध है, उस तारीख से जिसको राजपत्र में यथा प्रकाशित इस अधिसूचना की प्रतियां साधारण जनता को उपलब्ध करा दी जाती हैं, इक्कीस दिन के भीतर भूमि के नीचे पाइपलाइन बिछाने के लिए उसमें उपयोग के अधिकार अर्जन के सम्बन्ध में सक्षम प्राधिकारी, ऑयल एण्ड नैचुरल गैस कारपोरेशन लि., कन्स्ट्रक्शन एंड मेन्टेनेन्स डिवीजन, मकरपुरा रोड, वडोदरा-390 009 को लिखित रूप में आक्षेप, भेज सकेगा।

अनुसूची

लिम्बोदरा इपीएस से पलीयड इपीएस से वडु इपीएस से जीजीएस-IX कलोल से जीजीएस-IV कलोल तक पाइपलाइन बिछाने के लिए

राज्य : गुजरात जिला : मेहसाणा तालुका : बीजापुर

गांव	सर्वे नं.	हेक्टर	आरे	सेन्टी.
1	2	3	4	5
माणसा	1939	0	11	10
	1938	0	10	20
	1937	0	19	50
	Cart track	0	01	05
	1926	0	10	50
	1927	0	05	25
	1928	0	16	80
	1929	0	02	85

[फा.सं. ओ-12016/62/2001/ओएनजी/डी-4]

एन.सी. जाखुप, अवर सचिव

New Delhi, the 13th January, 2003

S.O. 290.—Whereas it appears to the Central Government that it is necessary in the public interest that for the transportation of petroleum products from Limbodara EPS to Paliyad EPS to Wadu EPS to GGS-IX

Kalol to GGS-IV Kalol in the state of Gujarat, a pipeline should be laid by the Oil and Natural Gas Corporation Limited.

And whereas, it appears, to the Central Government that for the purpose of laying the said pipeline, it is necessary to acquire the right of user in the land under which the said pipeline is proposed to be laid, and which is described in the Schedule annexed to this notification.

Now, therefore, in exercise of the powers conferred by Sub-section (1) of Section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), the Central Government hereby declares its intention to acquire the right of user therein.

Any person interested in the land described in the said Schedule may within twenty-one days from the date on which the copies of the notification issued under Sub-section (1) of Section 3 of the said Act, as published in the Gazette of India, are made available to the general public, object in writing to the laying of the pipeline under the land to the Competent Authority, Oil and Natural Gas Corporation Ltd., Construction and Maintenance Division, Makarpura Road, Vadodara-390 009.

SCHEDULE

Pipeline from Limbodara EPS to Paliyad EPS to Wadu EPS to GGS-IX Kalol to GGS-IV Kalol

State : Gujarat District : Mehsana Taluka : Vijapur

Village	Survey No.	Hectare	Ac	Centiare
1	2	3	4	5
Mansa	1939	0	11	10
	1938	0	10	20
	1937	0	19	50
Cart track		0	01	05
	1926	0	10	50
	1927	0	05	25
	1928	0	16	80
	1929	0	02	85

[F.No. O-12016/62/2001/ONG/D-IV]
N.C. ZAKHUP, Under Secy.

नई दिल्ली, 13 जनवरी, 2003

का. आ. 291.—केन्द्रीय सरकार को लोकहित में यह आवश्यक प्रतीत होता है कि गुजरात राज्य में लिम्बोद्रा इपीएस से पलीयड इपीएस से वडु इपीएस से जीजीएस-IX कलोल से जीजीएस-IV कलोल तक पेट्रोलियम उत्पादों के परिवहन के लिए ऑयल एण्ड नैचुरल गैस कारपोरेशन लि. द्वारा एक पाइपलाइन बिछाई जानी चाहिए।

और केन्द्रीय सरकार को उक्त पाइपलाइन बिछाने के प्रयोजन के लिए यह आवश्यक प्रतीत होता है कि उस भूमि में जिसमें पाइपलाइन बिछाए जाने का प्रस्ताव है, और जो इस अधिसूचना से संलग्न अनुसूची में वर्णित है, उपयोग के अधिकार का अर्जन किया जाए।

अतः, अब, केन्द्रीय सरकार, पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम 1962, (1962 का 50) की धारा 3 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, उस भूमि में उपयोग का अधिकार अर्जन करने के अपने आशय की घोषणा करती है।

कोई व्यक्ति, जो उक्त अनुसूची में वर्णित भूमि में हितबद्ध है, उस तारीख से जिसको राजपत्र में यथा प्रकाशित इस अधिसूचना की प्रतियां साधारण जनता को उपलब्ध करा दी जाती हैं, इक्कीस दिन के भीतर भूमि के नीचे पाइपलाइन बिछाने के लिए उसमें उपयोग के अधिकार अर्जन के सम्बन्ध में सक्षम प्राधिकारी, ऑयल एण्ड नैचुरल गैस कारपोरेशन लि., कन्सट्रक्शन एंड मेन्टेनेन्स डिवाइजन, मकरपुरा रोड, वडोदरा-390 009 को लिखित रूप में आक्षेप, भेज सकेगा।

अनुसूची

लिम्बोद्रा इपीएस से पलीयड इपीएस से वडु इपीएस से जीजीएस-IX कलोल से जीजीएस-IV कलोल तक पाइपलाइन बिछाने के लिए

राज्य : गुजरात जिला : महेसाणा तालुका : कलोल

गांव	ब्लाक नं.	हेक्टर	अरे	सेन्टी
1	2	3	4	5
लिम्बोद्रा	971	0	13	20

[फा.सं. ओ-12016/63/2001/ओएनजी/डी-4]

एन.सी. जाखुप, अवर सचिव

New Delhi, the 13th January, 2003

S.O. 291.—Whereas it appears to the Central Government that it is necessary in the public interest that for the transportation of petroleum products from Limbodara EPS to Paliad EPS to Wadu EPS to GGS-IX Kalol to GGS-IV Kalol in the State of Gujarat, a pipeline should be laid by the Oil and Natural Gas Corporation Limited.

And whereas, it appears, to the Central Government that for the purpose of laying the said pipeline, it is necessary to acquire the right of user in the land under which the said pipeline is proposed to be laid, and which is described in the Schedule annexed to this notification.

Now, therefore, in exercise of the powers conferred by sub-section (1) of Section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land)

Act, 1962 (50 of 1962), the Central Government hereby declares its intention to acquire the right of user therein.

Any person interested in the land described in the said Schedule may within twenty one days from the date on which the copies of the notification issued under sub-section (1) of Section 3 of the said Act, as published in the Gazette of India, are made available to the general public, object in writing to the laying of the pipeline under the land to the Competent Authority, Oil and Natural Gas Corporation Ltd., Construction and Maintenance division, Makarpura Road, Vadodara-390009.

SCHEDULE

Pipeline from Limbodra EPS to Paliad EPS to Wadu EPS to GGS-IX Kalol to GGS-IV Kalol.

State : Gujarat District : Mehsana Taluka : Kalol

Village	Block No.	Hectare	Arc	Centiare
1	2	3	4	5
Limbodra	971	0	13	20

[F.No. O-12016/63/2001/ONG/D-IV]
N.C. ZAKHUP, Under Secy.

नई दिल्ली, 13 जनवरी, 2003

का. आ. 292.—केन्द्रीय सरकार को कि लोकहित में यह आवश्यक प्रतीत होता है कि गुजरात राज्य में लिम्बोद्रा इपीएस से पलीयड इपीएस से बडु इपीएस से जीजीएस-IX कलोल से जीजीएस-IV कलोल तक पेट्रोलियम उत्पादों के परिवहन के लिए ऑयल एण्ड नैचुरल गैस कॉर्पोरेशन लि. द्वारा एक पाइपलाइन बिछाई जानी चाहिए।

और केन्द्रीय सरकार को उक्त पाइपलाइन बिछाने के प्रयोजन के लिए यह आवश्यक प्रतीत होता है कि उस भूमि में जिसमें पाइप लाइन बिछाए जाने का प्रस्ताव है, और जो इस अधिसूचना से संलग्न अनुसूची में वर्णित है, उपयोग के अधिकार का अर्जन किया जाए।

अतः, अब, केन्द्रीय सरकार, पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) की धारा 3 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, उस भूमि में उपयोग का अधिकार अर्जन करने के अपने आशय की घोषणा करती है।

कोई व्यक्ति, जो उक्त अनुसूची में वर्णित भूमि में हितबद्ध है, उस तारीख से जिसको राजपत्र में यथा प्रकाशित इस अधिसूचना की प्रतियां साधारण जनता को उपलब्ध करा दी जाती है, इक्कीस दिन के भीतर भूमि के नीचे पाइपलाइन बिछाने के लिए उसमें उपयोग के अधिकार अर्जन के सम्बन्ध में सक्षम प्राधिकारी, ऑयल एण्ड नैचुरल गैस कॉर्पोरेशन लि., कन्सट्रक्शन एंड मेन्टेनेन्स डिवीजन, मकरपुरा रोड, बडोदरा-390009 को लिखित रूप में आक्षेप, भेज सकेगा।

अनुसूची

लिम्बोद्रा इपीएस से पलीयड इपीएस से बडु इपीएस से जीजीएस-IX कलोल से जीजीएस-IV कलोल तक पाइप लाइन बिछाने के लिए

राज्य : गुजरात जिला : महेसाणा तालुका : बीजापुर

गांव	ब्लाक नं.	हेक्टर	आरे	सेन्टी
1	2	3	4	5
भोलकुआ	81	0	14	55
	84	0	09	15
	125	0	05	25
	126	0	00	48
	86	0	02	00
	124	0	17	40
	123	0	04	80
	121	0	07	65
	120	0	10	20
	133	0	06	75
	134	0	01	10
	108	0	08	55
	107	0	09	15
	106	0	13	50
	105	0	12	30
कार्ट ट्रेक		0	00	75
	379	0	18	30
	381	0	04	95
	384	0	03	25
	383	0	01	40
	386	0	12	00
	387	0	12	60
	388	0	03	32
	389	0	00	60
	390	0	20	40
	359	0	02	40
	358	0	10	80
	357	0	03	92
	355	0	10	20
कार्ट ट्रेक		0	01	50
	447	0	00	72
	448	0	09	60
	449	0	06	00
	450	0	06	60
कार्ट ट्रेक		0	01	50
	620	0	16	30
	622	0	07	20
	617	0	04	80
	623	0	18	00
	610	0	12	15
	611	0	01	92
	607	0	06	00
	584	0	04	20
	585	0	01	00

1	2	3	4	5
	586	0	17	10
	590	0	12	90
	591	0	03	00
	592	0	10	50
	594	0	10	80
	559/B	0	10	20
	कार्ट ट्रैक	0	00	90
	559/A	0	18	45

[फा. सं. ओ-12016/64/2001/ओएनजी/डी-4]

एन.सी. जाखुप, अवर सचिव

New Delhi, the 13th January, 2003

S.O. 292.—Whereas it appears to the Central Government that it is necessary in the public interest that for the transportation of petroleum products from Limbodra EPS to Paliad EPS to Wadu EPS to GGS-IX Kalol to GGS-IV Kalol in the state of Gujarat, a pipeline should be laid by the Oil and Natural Gas Corporation Limited

And whereas, it appears, to the Central Government that for the purpose of laying the said pipeline, it is necessary to acquire the right of user in the land under which the said pipeline is proposed to be laid, and which is described in the Schedule annexed to this notification.

Now, therefore, in exercise of the powers conferred by sub-section (1) of Section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), the Central Government hereby declares its intention to acquire the right of user therein.

Any person interested in the land described in the said Schedule may within twenty one days from the date on which the copies of the notification issued under sub-section (1) of Section 3 of the said Act, as published in the Gazette of India, are made available to the general public, object in writing to the laying of the pipeline under the land to the Competent Authority, Oil and Natural Gas Corporation Ltd., Construction and Maintenance division, Makarpura Road, Vadodara-390009.

SCHEDULE

Pipeline from Limbodra EPS to Paliad EPS to Wadu
EPS to GGS-IX Kalol to GGS-IV Kalol

State : Gujarat District : Mehsana Taluka : Vijapur

Village	Block No.	Hectare	Acre	Centiare
1	2	3	4	5
Dholkuwa	81	0	14	55
	84	0	09	15

1	2	3	4	5
	125	0	05	25
	126	0	00	48
	86	0	02	00
	124	0	17	40
	123	0	04	80
	121	0	07	65
	120	0	10	20
	133	0	06	75
	134	0	01	10
	108	0	08	55
	107	0	09	15
	106	0	13	50
	105	0	12	30
	Cart track	0	00	75
	379	0	18	30
	381	0	04	95
	384	0	03	25
	383	0	01	40
	386	0	12	00
	387	0	12	60
	388	0	03	32
	389	0	00	60
	390	0	20	40
	359	0	02	40
	358	0	10	80
	357	0	03	92
	355	0	10	20
	Cart track	0	01	50
	447	0	00	72
	448	0	09	60
	449	0	06	00
	450	0	06	60
	Cart track	0	01	50
	620	0	16	30
	622	0	07	20
	617	0	04	80
	623	0	18	00
	610	0	12	15
	611	0	01	92
	607	0	06	00
	584	0	04	20
	585	0	01	00
	586	0	17	10
	590	0	12	90
	591	0	03	00
	592	0	10	50
	594	0	10	80
	559/B	0	10	20
	Cart track	0	00	90
	559/A	0	18	45

[F.No. O-12016/64/2001/ONG/D-IV]

N.C. ZAKHUP, Under Secy.

नई दिल्ली, 13 जनवरी, 2003

का. आ. 293.—केन्द्रीय सरकार को लोकहित में यह आवश्यक प्रतीत होता है कि गुजरात राज्य में लिम्बोद्रा इपीएस से पलीयड इपीएस से वडु इपीएस से जीजीएस-IX कलोल से जीजीएस-IV कलोल तक पेट्रोलियम उत्पादों के परिवहन के लिए ऑयल एण्ड नैचुरल गैस कारपोरेशन लि. द्वारा एक पाइपलाइन बिछाई जानी चाहिए।

और केन्द्रीय सरकार को उक्त पाइपलाइन बिछाने के प्रयोजन के लिए यह आवश्यक प्रतीत होता है कि उस भूमि में जिसमें पाइप लाइन बिछाए जाने का प्रस्ताव है, और जो इस अधिसूचना से संलग्न अनुसूची में वर्णित है, उपयोग के अधिकार का अर्जन किया जाए।

अतः, अब, केन्द्रीय सरकार, पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) की धारा 3 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, उस भूमि में उपयोग का अधिकार अर्जन करने के अपने आशय की घोषणा करती है।

कोई व्यक्ति, जो उक्त अनुसूची में वर्णित भूमि में हितबद्ध है, उस तारीख से जिसको राजपत्र में यथा प्रकाशित इस अधिसूचना की प्रतियां साधारण जनता को उपलब्ध करा दी जाती हैं, इक्कीस दिन के भीतर भूमि के नीचे पाइपलाइन बिछाने के लिए उसमें उपयोग के अधिकार अर्जन के सम्बन्ध में सक्षम प्राधिकारी, ऑयल एण्ड नैचुरल गैस कारपोरेशन लि., कन्सट्रक्शन एंड मेन्टेनेन्स डिवीजन, मकरपुरा रोड, वडोदरा-390009 को लिखित रूप में आक्षेप, भेज सकेगा।

अनुसूची

लिम्बोद्रा इपीएस से पलीयड इपीएस से वडु इपीएस से
जीजीएस-IX कलोल से जीजीएस-IV कलोल तक पाइप लाइन
बिछाने के लिए

राज्य : गुजरात	जिला : महेसाणा	तालुका : कलोल		
गांव	सर्वे नं.	हेक्टर	आरे	सेन्टी
1	2	3	4	5
सोभासण	85/1/पी/2	0	39	60
	87	0	01	75
	कार्ट ट्रेक	0	01	50
	121	0	27	60
	कार्ट ट्रेक	0	00	60
	153	0	09	60
	154	0	10	50
	151	0	02	10
	कार्ट ट्रेक	0	00	75
	160/1/2/3/4/5	0	38	25
	कार्ट ट्रेक	0	00	75
	207	0	23	10
	208	0	19	20
	कार्ट ट्रेक	0	00	75

1	2	3	4	5
	218	0	25	80
	219	0	10	35
	223	0	13	50
	227/1/2	0	12	45
	228	0	14	85
	232	0	01	65
	229	0	10	50
	269	0	19	05
	268	0	03	90

[फा.सं. ओ-12016/65/2001/ओएनजी/डी-4]

एन.सी. जाखुप, अवर सचिव

New Delhi, the 13th January, 2003

S.O. 293.—Whereas it appears to the Central Government that it is necessary in the public interest that for the transportation of petroleum products from Limbodra EPS to Paliad EPS to Wadu GGS-IX Kalol to GGS-IV Kalol in the state of Gujarat, a pipeline should be laid by the Oil and Natural Gas Corporation Limited.

And whereas, it appears, to the Central Government that for the purpose of laying the said pipeline, it is necessary to acquire the right of user in the land under which the said pipeline is proposed to be laid, and which is described in the Schedule annexed to this notification:

Now, therefore, in exercise of the powers conferred by sub-section (1) of Section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), the Central Government hereby declares its intention to acquire the right of user therein.

Any person interested in the land described in the said Schedule may within twenty one days from the date on which the copies of the notification issued under sub-section (1) of Section 3 of the said act, as published in the Gazette of India, are made available to the general public, object in writing to the laying of the pipeline under the land to the Competent Authority, Oil and Natural Gas Corporation Ltd., Construction and Maintenance Division, Makarpura Road, Vadodara-390009.

SCHEDULE

Pipeline from Limbodra EPS to Paliad EPS to Wadu
EPS to GGS-IX Kalol to GGS-IV Kalol

State : Gujarat District : Mehsana Taluka : Kalol

Village	Survey No.	Hectare	Are	Centiare
1	2	3	4	5
Sobhasan	85/1/P/2	0	39	60
	87	0	01	75
	Cart track	0	01	50
	121	0	27	60

1	2	3	4	5
	Cart track	0	00	60
	153	0	09	60
	154	0	10	50
	151	0	02	10
	Cart track	0	00	75
	160/1/2/3/4/5	0	38	25
	Cart track	0	00	75
	207	0	23	10
	208	0	19	20
	Cart track	0	00	75
	218	0	25	80
	219	0	10	35
	223	0	13	50
	227/1/2	0	12	45
	228	0	14	85
	232	0	01	65
	229	0	10	50
	269	0	19	05
	268	0	03	90

[F.No. O-12016/65/2001/ONG/D-IV]
N.C. ZAKHUP, Under Secy.

नई दिल्ली, 13 जनवरी, 2003

का. आ. 294.—केन्द्रीय सरकार को लोकहित में यह आवश्यक प्रतीत होता है कि गुजरात राज्य में लिम्बोद्रा इपीएस से पलीयड इपीएस से बडु इपीएस से जीजीएस-IX कलोल से जीजीएस-IV कलोल तक पेट्रोलियम उत्पादों के परिवहन के लिए ऑयल एण्ड नैचुरल गैस कारपोरेशन लि. द्वारा एक पाइपलाइन बिछाई जानी चाहिए।

और केन्द्रीय सरकार को उक्त पाइपलाइन बिछाने के प्रयोजन के लिए यह आवश्यक प्रतीत होता है कि उस भूमि में जिसमें पाइपलाइन बिछाए जाने का प्रस्ताव है, और जो इस अधिसूचना से संलग्न अनुसूची में वर्णित है, उपयोग के अधिकार का अर्जन किया जाए।

अतः, अब, केन्द्रीय सरकार, पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) की धारा 3 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, उस भूमि में उपयोग का अधिकार अर्जन करने के अपने आशय की घोषणा करती है।

कोई व्यक्ति, जो उक्त अनुसूची में वर्णित भूमि में हितबद्ध है, उस तारीख से जिसको राजपत्र में यथा प्रकाशित इस अधिसूचना की प्रतियां साधारण जनता को उपलब्ध करा दी जाती है, इक्कीस दिन के भीतर भूमि के नीचे पाइपलाइन बिछाने के लिए उसमें उपयोग के अधिकार अर्जन के सम्यन्ध में सक्षम प्राधिकारी, ऑयल एण्ड नैचुरल गैस कारपोरेशन लि., कन्सट्रक्शन एंड मेन्टेनेन्स डिवीजन, मकरपुरा रोड, बड़ोदरा 390009 को लिखित रूप में आक्षेप, भेज सकेगा।

अनुसूची

लिम्बोद्रा इपीएस से पलीयड इपीएस से बडु इपीएस से
जीजीएस-IX कलोल से जीजीएस-IV कलोल तक पाइप लाइन
बिछाने के लिए

राज्य : गुजरात जिला : महेसाणा तालुका : कलोल

गांव	ब्लाक नं.	हेक्टर	आरे	सेन्टी
1	2	3	4	5
कोडा	कार्ट ट्रेक	0	01	35
	519	0	00	95
	कार्ट ट्रेक	0	04	80
	568	0	04	80
	567	0	10	20
	566	0	08	25
	564	0	16	65
	563	0	09	75
	538	0	13	05
	539	0	14	85
	540	0	08	32
	533	0	08	32
	कार्ट ट्रेक	0	00	60
	468	0	10	95
	471	0	12	90
	470	0	00	30

[फा.सं. ओ-12016/67/2001/ओएनजी/डी-4]

एन.सी. जाखुप, अवर सचिव

New Delhi, the 13th January, 2003

S.O. 294.—Whereas it appears to the Central Government that it is necessary in the public interest that for the transportation of petroleum products from Limbodra EPS to Paliad EPS to Wadu EPS to GGS-IX Kalol to GGS-IV Kalol in the state of Gujarat, a pipeline should be laid by the Oil and Natural Gas Corporation Limited.

And whereas, it appears, to the Central Government that for the purpose of laying the said pipeline, it is necessary to acquire the right of user in the land under which the said pipeline is proposed to be laid, and which is described in the Schedule annexed to this notification:

Now, therefore, in exercise of the powers conferred by sub-section (1) of Section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), the Central Government hereby declares its intention to acquire the right of user therein.

Any person interested in the land described in the said Schedule may within twenty one days from the date

on which the copies of the notification issued under sub-section (1) of section 3 of the said Act, as published in the Gazette of India, are made available to the general public, object in writing to the laying of the pipeline under the land to the Competent Authority, Oil and Natural Gas Corporation Ltd., Construction and Maintenance Division, Makarpura Road, Vadodra-390009.

SCHEDULE

Pipeline from Limbodra EPS to Paliad EPS to Wadu
EPS to GGS-IX Kalol to GGS-IV Kalol

State : Gujarat District : Mchsana Taluka : Kalol

Village	Block No.	Hectare	Are	Centiare
1	2	3	4	5
Kotha	Cart track	0	01	35
	519	0	00	95
	Cart track	0	04	80
	568	0	04	80
	567	0	10	20
	566	0	08	25
	564	0	16	65
	563	0	09	75
	538	0	13	05
	539	0	14	85
	540	0	08	32
	533	0	08	32
	Cart track	0	00	60
	468	0	10	95
	471	0	12	90
	470	0	00	30

[F.No. O-12016/67/2001/ONG/D-IV]
N.C. ZAKHUP, Under Secy.

नई दिल्ली, 13 जनवरी, 2003

का. आ. 295.—केन्द्रीय सरकार को लोकहित में यह आवश्यक प्रतीत होता है कि गुजरात राज्य में लिम्बोद्रा इपीएस से पलीयड इपीएस से वडु इपीएस से जीजीएस-IX कलोल से जीजीएस-IV कलोल तक पेट्रोलियम उत्पादों के परिवहन के लिए ऑयल एण्ड नैचुरल गैस कारपोरेशन लि. द्वारा एक पाइपलाइन बिछाई जानी चाहिए।

और केन्द्रीय सरकार को उक्त पाइपलाइन बिछाने के प्रयोजन के लिए यह आवश्यक प्रतीत होता है कि उस भूमि में जिसमें पाइप लाइन बिछाए जाने का प्रस्ताव है, और जो इस अधिसूचना से संलग्न अनुसूची में वर्णित है, उपयोग के अधिकार का अर्जन किया जाए।

अतः, अब, केन्द्रीय सरकार, पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) की धारा 3 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, उस भूमि में उपयोग का अधिकार अर्जन करने के अपने आशय की घोषणा करती है।

कोई व्यक्ति, जो उक्त अनुसूची में वर्णित भूमि में हितबद्ध है, उस तारीख से जिसको राजपत्र में यथा प्रकाशित इस अधिसूचना की प्रतियां साधारण जनता को उपलब्ध करा दी जाती हैं, इक्कीस दिन के भीतर भूमि के नीचे पाइपलाइन बिछाने के लिए उसमें उपयोग के अधिकार अर्जन के सम्बन्ध में सक्षम प्राधिकारी, ऑयल एण्ड नैचुरल गैस कारपोरेशन लि., कन्सट्रक्शन एंड मेन्टेनेन्स डिवीजन, मकरपुरा रोड, वडोदरा-390009 को लिखित रूप में आक्षेप, भेज सकेगा।

अनुसूची

लिम्बोद्रा इपीएस से पलीयड इपीएस से वडु इपीएस से
जीजीएस-IX कलोल से जीजीएस-IV कलोल तक पाइप लाइन
बिछाने के लिए

राज्य : गुजरात जिला : मेहसाणा तालुका : कडी

गांव	सर्वे नं.	हेक्टर	अरे	सेन्टी
1	2	3	4	5
वडु	कार्ट ट्रैक	0	00	90
	36/2	0	06	75
	37/1	0	01	80
	39	0	01	68
	38	0	09	60
	45	0	00	80
	46	0	05	10
	47	0	06	00
	44/2/B	0	01	00
	49	0	01	00
	48/1	0	02	10
	48/2	0	04	80
	55	0	04	80
	56	0	03	90
	57/1	0	04	95
	58/2	0	01	50
	59/1/2	0	11	40
	कार्ट ट्रैक	0	01	50
	90	0	11	85
	89/1	0	03	75
	97	0	00	70
	98	0	15	50
	Cart track	0	01	50
	148	0	09	15
	147	0	05	40
	145	0	09	00
	144/4	0	07	80
	140/2	0	03	60
	140/1	0	03	00
	140/3	0	07	80
	134/1	0	07	80
	133/1	0	00	30
	133/2	0	07	20
	कार्ट ट्रैक	0	01	50

1	2	3	4	5
वडु (जारी)	194/1/2	0	09	60
	195	0	05	40
	196/1/2	0	13	20
	197	0	09	00
	198	0	00	12
	202	0	27	48
	235	0	05	40
	232/1/2/3	0	01	08
	233/2	0	10	80
	233/3	0	00	12
	233/1	0	01	60
	230/1 to 5	0	18	00
	229/1/2/3/P	0	06	45
	228	0	09	00
	227	0	10	20
	225/P	0	13	20
	कोर्ट ट्रैक	0	01	20

[फा.सं. ओ-12016/70/2001/ओएनजी/डी-4]

एन.सी. जाखुप, अवर सचिव

New Delhi, the 13th January, 2003

S.O. 295.—Whereas it appears to the Central Government that it is necessary in the public interest that for the transportation of petroleum products from Limbodra EPS to Paliad EPS to Wadu EPS to GGS-IX Kalol to GGS-IV Kalol in the state of Gujarat, a pipeline should be laid by the Oil and Natural Gas Corporation Limited.

And whereas, it appears, to the Central Government that for the purpose of laying the said pipeline, it is necessary to acquire the right of user in the land under which the said pipeline is proposed to be laid, and which is described in the Schedule annexed to this notification;

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), the Central Government hereby declares its intention to acquire the right of user therein.

Any person interested in the land described in the said Schedule may within twenty one days from the date on which the copies of the notification issued under sub-section (1) of section 3 of the said Act, as published in the Gazette of India, are made available to the general public, object in writing to the laying of the pipeline under the land to the Competent Authority, Oil and Natural Gas Corporation Ltd., Construction and Maintenance Division, Makarpura Road, Vadodara-390009.

SCHEDULE				
Pipeline from Limbodra EPS to Paliad EPS to Wadu EPS to GGS-IX Kalol to GGS-IV Kalol				
State : Gujarat District : Mehsana Taluka : Kadi				
Village	Survey No.	Hectare	Are	Centiare
1	2	3	4	5
Wadu	Cart track	0	00	90
	36/2	0	06	75
	37/1	0	01	80
	39	0	01	68
	38	0	09	60
	45	0	00	80
	46	0	05	10
	47	0	06	00
	44/2/B	0	01	00
	49	0	01	00
	48/1	0	02	10
	48/2	0	04	80
	55	0	04	80
	56	0	03	90
	57/1	0	04	95
	58/2	0	01	50
	59/1/2	0	11	40
	Cart track	0	01	50
	90	0	11	85
	89/1	0	03	75
	97	0	00	70
	98	0	15	50
	Cart track	0	01	50
	148	0	09	15
	147	0	05	40
	145	0	09	00
	144/4	0	07	80
	140/2	0	03	60
	140/1	0	03	00
	140/3	0	07	80
	134/1	0	07	80
	133/1	0	00	30
	133/2	0	07	20
	Cart track	0	01	50
	194/1/2	0	09	60
	195	0	05	40
	196/1/2	0	13	20
	197	0	09	00
	198	0	00	12
	202	0	27	48
	235	0	05	40
	232/1/2/3	0	01	08
	233/2	0	10	80
	233/3	0	00	12
	233/1	0	01	60
	230/1 to 5	0	18	00

1	2	3	4	5
	229/1/2/3/P	0	06	45
	228	0	09	00
	227	0	10	20
	225/P	0	13	20
	Cart track	0	01	20

[F.No. O-12016/70/2001/ONG/D-IV]

N.C. ZAKHUP, Under Secy.

नई दिल्ली, 13 जनवरी, 2003

का. आ. 296.— केन्द्रीय सरकार को लोकहित में यह आवश्यक प्रतीत होता है कि गुजरात राज्य में नान्देज इपीएस से नवागाम सीटीएफ वाया वासणा इपीएस तक पेट्रोलियम उत्पादों के परिवहन के लिए ऑयल एण्ड नैचुरल गैस कारपोरेशन लि. द्वारा एक पाइपलाइन बिछाई जानी चाहिए।

और केन्द्रीय सरकार को उक्त पाइपलाइन बिछाने के प्रयोजन के लिए यह आवश्यक प्रतीत होता है कि उस भूमि में जिसमें पाइपलाइन बिछाए जाने का प्रस्ताव है, और जो इस अधिसूचना से संलग्न अनुसूची में वर्णित है, उपयोग के अधिकार का अर्जन किया जाए।

अतः, अब, केन्द्रीय सरकार, पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम 1962 (1962 का 50) की धारा 3 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, उस भूमि में उपयोग का अधिकार अर्जन करने के अपने आशय की घोषणा करती है।

कोई व्यक्ति, जो उक्त अनुसूची में वर्णित भूमि में हितबद्ध है, उस तारीख से जिसको राजपत्र में यथा प्रकाशित इस अधिसूचना की प्रतियां साधारण जनता को उपलब्ध करा दी जाती हैं, इक्कीस दिन के भीतर भूमि के नीचे पाइपलाइन बिछाने के लिए उसमें उपयोग के अधिकार अर्जन के सम्बन्ध में सक्षम प्राधिकारी, ऑयल एण्ड नैचुरल गैस कारपोरेशन लि., कन्स्ट्रक्शन एंड मेन्टेनेन्स डिवीजन, मकरपुरा रोड, बडोदरा-390009 को लिखित रूप में आक्षेप, भेज सकेगा।

अनुसूची

नान्देज इपीएस से नवागाम सीटीएफ वाया वासणा इपीएस तक
पाइप-लाइन बिछाने के लिए

राज्य : गुजरात जिला : खेडा तालुका : महेमदाबाद

गांव	सर्वे नं.	हेक्टर	आरे	सेन्टी
1	2	3	4	5
सारसा	38	0	02	25
	39	0	27	00
	34	0	08	40
	33	0	14	40
	32	0	14	10
	466	0	13	50

1	2	3	4	5
सारसा	486	0	28	35
	487	0	12	00
	Cart track	0	00	75
	427/1	0	05	90
	427/2			
	428	0	07	80
	432/1/2/3	0	06	96
	431/1	0	10	50
	431/2			
	434	0	20	55
	418	0	01	50
	416	0	06	00
	414	0	08	25
	415	0	08	40
	393	0	01	60
	394	0	18	15
	381	0	27	75
	364	0	31	80
	363	0	14	70
	360/1	0	04	28
	360/2	0	04	27

[फा.सं. ओ-12016/79/2001/ओएनजी/डी-IV]

एन.सी. जाखुप, अवर सचिव

New Delhi, the 13th January, 2003

S.O. 296.—Whereas it appears to the Central Government that it is necessary in the public interest that for the transportation of petroleum products from Nandej EPS to Navagam CTF via Vasna EPS in the State of Gujarat, a pipeline should be laid by the Oil and Natural Gas Corporation Limited;

And whereas, it appears, to the Central Government that for the purpose of laying the said pipeline, it is necessary to acquire the right of user in the land under which the said pipeline is proposed to be laid, and which is described in the Schedule annexed to this notification;

Now, therefore, in exercise of the powers conferred by sub-section (1) of Section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), the Central Government hereby declares its intention to acquire the right of user therein;

Any person interested in the land described in the said Schedule may within twenty one days from the date on which the copies of the notification issued under sub-section (1) of Section 3 of the said Act, as published in the Gazette of India, are made available to the general public, object in writing to the laying of the pipeline under the land to the Competent Authority, Oil and Natural Gas Corporation Ltd., Construction and Maintenance Division, Makarpura Road, Vadodra-390009.

SCHEDULE

Pipeline from Nandej EPS to Navagam CTF via Vasna
EPS

State : Gujarat District : Kheda Taluka : Mehmabad

Village	Survey No.	Hectare	Are	Centiare
1	2	3	4	5
Sarsa	38	0	02	25
	39	0	27	00
	34	0	08	40
	33	0	14	40
	32	0	14	10
	466	0	13	50
	486	0	28	35
	487	0	12	00
	Cart track	0	00	75
	427/1	0	05	00
	427/2			
	428	0	07	80
	432/1/2/3	0	06	96
	431/1	0	10	50
	431/2			
	434	0	20	55
	418	0	01	50
	416	0	06	00
	414	0	08	25
	415	0	08	40
	393	0	01	60
	394	0	18	15
	381	0	27	75
	364	0	31	80
	363	0	14	70
	360/1	0	04	28
	360/2	0	04	27

[F.No. O-12016/79/2001/ONG/D-IV]
N.C. ZAKHUP, Under Secy.

नई दिल्ली, 13 जनवरी, 2003

का. आ. 297.—केन्द्रीय सरकार को लोकहित में यह आवश्यक प्रतीत होता है कि गुजरात राज्य में बलोल कूप नं. 10 से नार्थ संधाल इटीपी तक पेट्रोलियम उत्पादों के परिवहन के लिए ऑयल एण्ड नैचुरल गैस कारपोरेशन लि. द्वारा एक पाइपलाइन बिछाई जानी चाहिए।

और केन्द्रीय सरकार को उक्त पाइपलाइन बिछाने के प्रयोजन के लिए यह आवश्यक प्रतीत होता है कि उस भूमि में जिसमें पाइपलाइन बिछाए जाने का प्रस्ताव है, और जो इस अधिसूचना से संलग्न अनुसूची में वर्णित है, उपयोग के अधिकार का अर्जन किया जाए।

अतः, अब, केन्द्रीय सरकार, पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962

का 50) की धारा 3 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, उस भूमि में उपयोग का अधिकार अर्जन करने के अपने आशय की घोषणा करती है।

कोई व्यक्ति, जो उक्त अनुसूची में वर्णित भूमि में हितबद्ध है, उस तारीख से जिसको राजपत्र में यथा प्रकाशित इस अधिसूचना की प्रतियां साधारण जनता को उपलब्ध करा दी जाती हैं, इक्कीस दिन के भीतर भूमि के नीचे पाइपलाइन बिछाने के लिए उसमें उपयोग के अधिकार अर्जन के सम्बन्ध में सक्षम प्राधिकारी, ऑयल एण्ड नैचुरल गैस कारपोरेशन लि., कन्सट्रक्शन एंड मेन्टेनेन्स डिवीजन, मकरपुरा रोड, बडोदरा-390009 को लिखित रूप में आक्षेप, भेज सकेगा।

अनुसूची

बलोल कूप नं. 10 से नार्थ संधाल सीटीएफ तक पाइप लाइन बिछाने के लिए

राज्य : गुजरात जिला : महेसाणा तालुका : महेसाणा

गांव	सर्वे नं.	हेक्टर	आरे	सेन्टी
1	2	3	4	5
बलोल/कसलपुरा	1744	0	08	70
	1749	0	05	12
	570	0	81	19
	573	0	01	53
	571	0	12	29
	572	0	05	12
	1757	0	20	48
	1756	0	06	65
	1755	0	01	02
	1760	0	10	75
	1761	0	11	78

[फा.सं. ओ-12016/17/2001/ओएनजी/डी-IV]

एन.सी. जाखुप, अवर सचिव

New Delhi, (the 13th January, 2003)

S.O. 297.—Whereas it appears to the Central Government that it is necessary in the public interest that for the transportation of petroleum products from Balol Well No. 10 to North Santhal C.T.F. in the State of Gujarat, a pipeline should be laid by the Oil and Natural Gas Corporation Limited.

And whereas, it appears, to the Central Government that for the purpose of laying the said pipeline, it is necessary to acquire the right of user in the land under which the said pipeline is proposed to be laid, and which is described in the Schedule annexed to (his notification;

Now, therefore, in exercise of the powers conferred by sub-section (1) of Section 3 of the Petroleum and

Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), the Central Government hereby declares its intention to acquire the right of user therein.

Any person interested in the land described in the said Schedule may within twenty one days from the date on which the copies of the notification issued under sub-section (1) of section 3 of the said Act, as published in the Gazette of India, are made available to the general public, object in writing to the laying of the pipeline under the land to the Competent Authority, Oil and Natural Gas Corporation Ltd., Construction and Maintenance Division, Makarpura Road, Vadodara-390009.

SCHEDULE

Pipeline from Balol Well No. 10 to North Santhal C.T.F.

State : Gujarat District : Mehsana Taluka : Mehsana

Village	Survey No.	Hectare	Are	Centiare
1	2	3	4	5
Balol	1744	0	08	70
Kasalpura	1749	0	05	12
	570	0	81	19
	573	0	01	53
	571	0	12	29
	572	0	05	12
	1757	0	20	48
	1756	0	06	65
	1755	0	01	02
	1760	0	10	75
	1761	0	11	78

[F. No. O-12016/17/2001/ONG/D-IV]
N.C. ZAKHUP, Under Secy.

नई दिल्ली, 13 जनवरी, 2003

का. आ. 298.—केन्द्रीय सरकार को लोकहित में यह आवश्यक प्रतीत होता है कि गुजरात राज्य में लिम्बोद्रा इपीएस से पलीयड इपीएस से बडु इपीएस से जीजीएस-IX कलोल से जीजीएस-IV कलोल तक पेट्रोलियम उत्पादों के परिवहन के लिए ऑयल एण्ड नैचुरल गैस कारपोरेशन लि., द्वारा एक पाइपलाइन बिछाई जानी चाहिए।

और केन्द्रीय सरकार को उक्त पाइपलाइन बिछाने के प्रयोजन के लिए यह आवश्यक प्रतीत होता है कि उस भूमि में जिसमें पाइप लाइन बिछाए जाने का प्रस्ताव है, और जो इस अधिसूचना से संलग्न अनुसूची में वर्णित है, उपयोग के अधिकार का अर्जन किया जाए।

अतः, अब, केन्द्रीय सरकार, पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962

का 50)की धारा 3 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, उस भूमि में उपयोग का अधिकार अर्जन करने के आशय की घोषणा करती है।

कोई व्यक्ति, जो उक्त अनुसूची में वर्णित भूमि में हितबद्ध है, उस तारीख से जिसको राजपत्र में यथा प्रकाशित इस अधिसूचना की प्रतियां साधारण जनता को उपलब्ध करा दी जाती है, इक्कीस दिन के भीतर भूमि के नीचे पाइपलाइन बिछाने के लिए उसमें उपयोग के अधिकार अर्जन के सम्बन्ध में सक्षम प्राधिकारी, ऑयल एण्ड नैचुरल गैस कारपोरेशन लि., कन्स्ट्रक्शन एंड मेन्टेनेन्स डिवीजन, मकरपुरा रोड, बडोदरा-390009 को लिखित रूप में आक्षेप, भेज सकेगा।

अनुसूची

लिम्बोद्रा इपीएस से पलीयड इपीएस से बडु इपीएस से जीजीएस-IX कलोल से जीजीएस-IV कलोल तक पाइप लाइन बिछाने के लिए

राज्य : गुजरात जिला : महेसाणा तालुका : कलोल

गांव	ब्लाक नं.	हेक्टर	आरे	सेन्टी
1	2	3	4	5
डींगुच्चा	762	0	07	20
	761	0	10	20
	766	0	11	40
	767	0	14	40
	768	0	07	80
	769	0	13	20
	749	0	15	60
	750	0	19	20
	739	0	12	60
	738	0	24	60
	730	0	01	80
	Cart track	0	06	00
	729	0	15	00
	728	0	10	50
	727	0	09	60
	724	0	00	64
	726	0	00	30
	725	0	33	60
	677/2	0	14	40
	678	0	00	30
	679	0	04	20
	680/2	0	10	80
	681	0	06	60
	669	0	07	80
	670	0	10	80
	664	0	12	00
	660/2	0	11	40
	661	0	10	20
	662	0	03	60
	655	0	12	00
	Cart track	0	00	60

1	2	3	4	5
डींगुचा—(जारी) 636		0	13	20
647		0	15	60
646		0	18	60
645		0	13	80
599		0	10	80
597		0	09	60
596		0	20	40
595		0	01	20

[फा. सं. ओ-12016/71/2001/ओएनजी/डी-4]

एन.सी. जाखुप, अवर सचिव

New Delhi, the 13th January, 2003

S.O. 298.—Whereas it appears to the Central Government that it is necessary in the public interest that for the transportation of petroleum products from Limbodara EPS to Paliad EPS to Wadu EPS to GGS-IX Kalol to GGS-IV Kalol in the State of Gujarat, a pipeline should be laid by the Oil and Natural Gas Corporation Limited.

And whereas, it appears, to the Central Government that for the purpose of laying the said pipeline, it is necessary to acquire the right of user in the land under which the said pipeline is proposed to be laid, and which is described in the Schedule annexed to this notification;

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), the Central Government hereby declares its intention to acquire the right of user therein.

Any person interested in the land described in the said Schedule may within twenty one days from the date on which the copies of the notification issued under sub-section (1) of section 3 of the said Act, as published in the Gazette of India, are made available to the general public, object in writing to the laying of the pipeline under the land to the Competent Authority, Oil and Natural Gas Corporation Ltd., Construction and Maintenance Division, Makarpura Road, Vadodra-390009.

SCHEDULE

Pipeline from Limbodara EPS to Paliad EPS to Wadu EPS to GGS-IX Kalol to GGS-IV Kalol

State : Gujarat District : Mehsana Taluka : Kalol

Village	Block No.	Hectare	Acre	Centiare
1	2	3	4	5
Dingucha	762	0	07	20
	761	0	10	20
	766	0	11	40

1	2	3	4	5
Dingucha—	767	0	14	40
(Contd.)	768	0	07	80
	769	0	13	20
	749	0	15	60
	750	0	19	20
	739	0	12	60
	738	0	24	60
	730	0	01	80
	Cart track	0	06	00
	729	0	15	00
	728	0	10	50
	727	0	09	60
	724	0	00	64
	726	0	00	30
	725	0	33	60
	677/2	0	14	40
	678	0	00	30
	679	0	04	20
	680/2	0	10	80
	681	0	06	60
	669	0	07	80
	670	0	10	80
	664	0	12	00
	660/2	0	11	40
	661	0	10	20
	662	0	03	60
	655	0	12	00
	Cart track	0	00	60
	636	0	13	20
	647	0	15	60
	646	0	18	60
	645	0	13	80
	599	0	10	80
	597	0	09	60
	596	0	20	40
	595	0	01	20

[F. No. O-12016/71/2001/ONG/D-IV]

N.C. ZAKHUP, Under Secy.

नई दिल्ली, 13 जनवरी, 2003

का. आ. 299.—केन्द्रीय सरकार को कि लोकहित में यह आवश्यक प्रतीत होता है कि गुजरात राज्य में लिम्बोद्रा इपीएस से पलीयड इपीएस से बडु इपीएस से जीजीएस-IX कलोल से जीजीएस-IV कलोल तक पेट्रोलियम उत्पादों के परिवहन के लिए ऑयल एण्ड नैचुरल गैस कारपोरेशन लि. द्वारा एक पाइपलाइन बिछाई जानी चाहिए।

और केन्द्रीय सरकार को उक्त पाइपलाइन बिछाने के प्रयोजन के लिए यह आवश्यक प्रतीत होता है कि उस भूमि में जिसमें पाइप लाइन बिछाए जाने का प्रस्ताव है, और जो इस अधिसूचना से संलग्न अनुसूची में वर्णित है, उपयोग के अधिकार का अर्जन किया जाए।

अतः, अब, केन्द्रीय सरकार, पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम 1962 (1962 का 50) की धारा 3 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, उस भूमि में उपयोग का अधिकार अर्जन करने के अपने आशय की घोषणा करती है।

कोई व्यक्ति, जो उक्त अनुसूची में वर्णित भूमि में हितबद्ध है, उस तारीख से जिसको राजपत्र में यथा प्रकाशित इस अधिसूचना की प्रतियां साधारण जनता को उपलब्ध करा दी जाती है, इक्कीस दिन के भीतर भूमि के नीचे पाइपलाइन बिछाने के लिए उसमें उपयोग के अधिकार अर्जन के सम्बन्ध में सक्षम प्राधिकारी, ऑयल एण्ड नैचुरल गैस कारपोरेशन लि., कन्स्ट्रक्शन एंड मेन्टेनेन्स डिवीजन, मकरपुरा रोड, वडोदरा-390009 को लिखित रूप में आक्षेप, भेज सकेगा।

अनुसूची

लिम्बोद्रा इपीएस से पलीयड इपीएस से बडु इपीएस से जीजीएस-IX कलोल से जीजीएस-IV कलोल तक पाइप लाइन बिछाने के लिए।

राज्य : गुजरात		जिला : महेसाणा		तालुका : कलोल	
गांव	सर्वे नं.	हेक्टर	आरे	सेन्टी	
1	2	3	4	5	
धमासणा	1144	0	00	60	
	1143	0	21	60	
कोर्ट ट्रेक		0	01	50	
	1136	0	18	56	
	1137	0	00	64	
	1131	0	03	60	
	1129	0	38	36	
	1130	0	00	64	
	1126	0	00	30	
	1128	0	09	00	
कोर्ट ट्रेक		0	00	75	
	1127	0	00	60	

1	2	3	4	5
धमासणा-(जारी) 1088		0	16	20
	1093	0	09	00
	1092	0	00	70
	1094	0	03	00
	1095	0	11	40
कोर्ट ट्रेक		0	01	50
	1051	0	12	60
	1050	0	26	40
	1049	0	02	40
	1047	0	13	20
	1267	0	09	60
	1268	0	07	80
कार्ट ट्रेक		0	01	50
	992	0	00	60
	994	0	13	80
	993	0	07	80
	995	0	19	80
	1000	0	00	30
	1001	0	09	90
कार्ट ट्रेक		0	12	00
	860	0	06	60
	861	0	09	00
	864	0	09	00
	865	0	07	20
कार्ट ट्रेक		0	00	75
	844	0	00	60
	843	0	01	60
	842	0	03	00
	841	0	07	20
	840	0	09	60
कार्ट ट्रेक		0	01	50
	875	0	07	20
	876	0	06	60
कार्ट ट्रेक		0	01	50
	877	0	10	80
	881	0	11	40
	882	0	01	20

[फा.सं. ओ-12016/73/2001/ओएनजी/डी-4]

एन.सी. जाखुप, अवर सचिव

New Delhi, the 13th January, 2003

S.O. 299.—Whereas it appears to the Central Government that it is necessary in the public interest that for the transportation of petroleum products from Limbodra EPS to Paliad EPS to Wadu EPS to GGS-IX Kalol to GGS-IV Kalol in the state of Gujarat, a pipeline should be laid by the Oil and Natural Gas Corporation Limited.

And whereas, it appears, to the Central Government that for the purpose of laying the said pipeline, it is necessary to acquire the right of user in the land under which the said pipeline is proposed to be laid, and which is described in the Schedule annexed to this notification;

Now, therefore, in exercise of the powers conferred by Sub-section (1) of section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), the Central government hereby declares its intention to acquire the right of user therein.

Any person interested in the land described in the said Schedule may within twenty one days from the date on which the copies of the notification issued under Sub-section (1) of section 3 of the said Act, as published in the Gazette of India, are made available to the general public, object in writing to the laying of the pipeline under the land to the Competent Authority, Oil and Natural Gas Corporation Ltd., Construction and Maintenance Division, Makarpura Road, Vadodara-390009.

SCHEDULE

Pipeline from Limbodra EPS to Paliad EPS to Wadu EPS to GGS-IX Kalol to GGS-IV Kalol.

State : Gujarat District : Mehsana Taluka : Kalol

Village	Survey No.	Hectare	Are	Centiare
1	2	3	4	5
Dhamasana	1144	0	00	60
	1143	0	21	60
	Cart track	0	01	50
	1136	0	18	56
	1137	0	00	64
	1131	0	03	60
	1129	0	38	36
	1130	0	00	64
	1126	0	00	30
	1128	0	09	00
	Cart track	0	00	75
	1127	0	00	60

1	2	3	4	5
Dhamasana	1088	0	16	20
(Contd.)	1093	0	09	00
	1092	0	00	70
	1094	0	03	00
	1095	0	11	40
	Cart track	0	01	50
	1051	0	12	60
	1050	0	26	40
	1049	0	02	40
	1047	0	13	20
	1267	0	09	60
	1268	0	07	80
	Cart track	0	01	50
	992	0	00	60
	994	0	13	80
	993	0	07	80
	995	0	19	80
	1000	0	00	30
	1001	0	09	90
	Cart track	0	12	00
	860	0	06	60
	861	0	09	00
	864	0	09	00
	865	0	07	20
	Cart track	0	00	75
	844	0	00	60
	843	0	01	60
	842	0	03	00
	841	0	07	20
	840	0	09	60
	Cart track	0	01	50
	875	0	07	20
	876	0	06	60
	Cart track	0	01	50
	877	0	10	80
	881	0	11	40
	882	0	01	20

[F.No. O-12016/73/2001/ONG/D-IV]

N.C. ZAKHUP, Under Secy.

नई दिल्ली, 13 जनवरी, 2003

का. आ. 300.—केन्द्रीय सरकार को कि लोकहित में यह आवश्यक प्रतीत होता है कि गुजरात राज्य में नान्देज इपीएस से नवागाम सीटीएफ वाया वासणा इपीएस तक पेट्रोलियम उत्पादों के परिवहन के लिए ऑयल एण्ड नैचुरल गैस कारपोरेशन लि. द्वारा एक पाइपलाइन बिछाई जानी चाहिए।

और केन्द्रीय सरकार को उक्त पाइपलाइन बिछाने के प्रयोजन के लिए यह आवश्यक प्रतीत होता है कि उस भूमि में जिसमें पाइपलाइन बिछाए जाने का प्रस्ताव है, और जो इस अधिसूचना से संलग्न अनुसूची में वर्णित है, उपयोग के अधिकार का अर्जन किया जाए।

अतः, अब, केन्द्रीय सरकार, पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम 1962 (1962 का 50) की धारा 3 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, उस भूमि में उपयोग का अधिकार अर्जन करने के अपने आशय की घोषणा करती है।

कोई व्यक्ति, जो उक्त अनुसूची में वर्णित भूमि में हितबद्ध है, उस तारीख से जिसको राजपत्र में यथा प्रकाशित इस अधिसूचना की प्रतियां साधारण जनता को उपलब्ध करा दी जाती हैं, इक्कीस दिन के भीतर भूमि के नीचे पाइपलाइन बिछाने के लिए उसमें उपयोग के अधिकार अर्जन के सम्बन्ध में सक्षम प्राधिकारी, ऑयल एण्ड नैचुरल गैस कारपोरेशन लि., कन्सट्रक्शन एंड मेन्टेनेन्स डिवीजन, मकरपुरा रोड, बडोदरा-390009 को लिखित रूप में आक्षेप, भेज सकेगा।

अनुसूची

नान्देज इपीएस से नवागाम सीटीएफ वाया वासणा इपीएस तक
पाइपलाइन बिछाने के लिए

राज्य : गुजरात जिला : अहमदाबाद तालुका : दसक्रोई

गांव	ब्लाक नं.	हेक्टर	आर	सेन्टी
1	2	3	4	5
देवडी	578	0	09	45
	556	0	26	10
	555	0	14	40
	542	0	07	80
	541	0	11	25
	543	0	07	95
	544	0	12	90
कार्ट ट्रेक		0	01	20
	218	0	23	55
	217	0	02	80
	215	0	03	60
	214	0	08	80
	101	0	12	90

1	2	3	4	5
देवडी—(जारी)	102	0	13	05
	89	0	20	10
	88	0	19	65
	86	0	07	95
	71	0	14	40
	84	0	13	80
	72	0	07	95
	68	0	13	20
	76	0	35	10

[फा.सं. ओ-12016/74/2001/ओएनजी/डी-4]

एन. सी. जाखुप, अवर सचिव

New Delhi, the 13th January, 2003

S.O. 300.—Whereas it appears to the Central Government that it is necessary in the public interest that for the transportation of petroleum products from Nandej EPS to Navagam CTF via Vasna EPS in the State of Gujarat, a pipeline should be laid by the Oil and Natural Gas Corporation Limited.

And whereas, it appears, to the Central Government that for the purpose of laying the said pipeline, it is necessary to acquire the right of user in the land under which the said pipeline is proposed to be laid, and which is described in the Schedule annexed to this notification;

Now, therefore, in exercise of the powers conferred by Sub-section (1) of Section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), the Central Government hereby declares its intention to acquire the right of user therein;

Any person interested in the land described in the said Schedule may within twenty one days from the date on which the copies of the notification issued under Sub-section (1) of Section 3 of the said Act, as published in the Gazette of India, are made available to the general public, object in writing to the laying of the pipeline under the land to the Competent Authority, Oil and Natural Gas Corporation Ltd., Construction and Maintenance Division, Makarpura Road, Vadodara-390009.

SCHEDULE

Pipeline from Nandej EPS to Navagam CTF via Vasna EPS.

State : Gujarat District : Ahmedabad Taluka : Dascroi

Village	Block No.	Hectare	Are	Centiare
1	2	3	4	5
Devdi	578	0	09	45
	556	0	26	10

1	2	3	4	5
Devdi(Contd.) 555		0	14	40
42		0	07	80
541		0	11	25
543		0	07	95
544		0	12	90
Cart track		0	01	20
218		0	23	55
217		0	02	80
215		0	03	60
214		0	08	80
101		0	12	90
102		0	13	05
89		0	20	10
88		0	19	65
86		0	07	95
71		0	14	40
84		0	13	80
72		0	07	95
68		0	13	20
76		0	35	10

[F.No. O-12016/74/2001/ONG/D-IV]

N. C. ZAKHUP, Under Secy.

नई दिल्ली, 13 जनवरी, 2003

का. आ. 301.—केन्द्रीय सरकार को कि लोकहित में यह आवश्यक प्रतीत होता है कि गुजरात राज्य में नान्देज इपीएस से नवागाम सीटीएफ वाया वासणा इपीएस तक पेट्रोलियम उत्पादों के परिवहन के लिए ऑयल एण्ड नैचुरल गैस कारपोरेशन लि. द्वारा एक पाइपलाइन बिछाई जानी चाहिए।

और केन्द्रीय सरकार को उक्त पाइपलाइन बिछाने के प्रयोजन के लिए यह आवश्यक प्रतीत होता है कि उस भूमि में जिसमें पाइपलाइन बिछाए जाने का प्रस्ताव है, और जो इस अधिसूचना से संलग्न अनुसूची में वर्णित है, उपयोग के अधिकार का अर्जन किया जाए।

अतः, अब, केन्द्रीय सरकार, पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम 1962 (1962 का 50) की धारा 3 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, उस भूमि में उपयोग का अधिकार अर्जन करने के अपने आशय की घोषणा करती है।

कोई व्यक्ति, जो उक्त अनुसूची में वर्णित भूमि में हितबद्ध है, उस तारीख से जिसको राजपत्र में यथा प्रकाशित इस अधिसूचना की प्रतियां साधारण जनता को उपलब्ध करा दी जाती हैं, इक्कीस दिन के भीतर भूमि के नीचे पाइपलाइन बिछाने के लिए उसमें उपयोग के अधिकार अर्जन के सम्बन्ध में सक्षम प्राधिकारी, ऑयल एण्ड नैचुरल गैस कारपोरेशन लि., कन्सट्रक्शन एंड मेन्टेनेन्स डिवीजन, मकरपुरा रोड, बडोदरा-390 009 को लिखित रूप में आक्षेप, भेज सकेगा।

अनुसूची

नान्देज इपीएस से नवागाम सीटीएफ वाया वासणा इपीएस तक पाइपलाइन बिछाने के लिए

राज्य : गुजरात	जिला : अहमदाबाद	तालुका : दसक्रोई		
गांव	ब्लाक नं.	हेक्टर	आर	सेन्टी.
1	2	3	4	5
ईस्तोलाबाद	65	0	22	20
	66	0	10	95
	63	0	38	85

[फा.सं. ओ-12016/75/2001/ओएनजी/डी-4]

एन. सी. जाखुप, अवर सचिव

New Delhi, the 13th January, 2003

S.O. 301.—Whereas it appears to the Central Government that it is necessary in the public interest that for the transportation of petroleum products from Nandej EPS to Navagam CTF via Vasna EPS in the State of Gujarat, a pipeline should be laid by the Oil and Natural Gas Corporation Limited.

And whereas, it appears to the Central Government that for the purpose of laying the said pipeline, it is necessary to acquire the right of user in the land under which the said pipeline is proposed to be laid, and which is described in the Schedule annexed to this notification:

Now, therefore, in exercise of the powers conferred by Sub-section (1) of Section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), the Central Government hereby declares its intention to acquire the right of user therein.

Any person interested in the land described in the said Schedule may within twenty one days from the date on which the copies of the notification issued under Sub-section (1) of Section 3 of the said Act, as published in the Gazette of India, are made available to the general public, object in writing to the laying of the pipeline under the land to the Competent Authority, Oil and Natural Gas Corporation Ltd., Construction and Maintenance Division, Makarpura Road, Vadodara-390 009.

SCHEDULE

Pipeline from Nandej EPS to Navagam CTF via Vasna EPS.

State : Gujarat District : Ahmedabad Taluka : Dascroi

Village	Block No.	Hectare	Are	Centiare
1	2	3	4	5
Istolabad	65	0	22	20
	66	0	10	95
	63	0	38	85

[F.No. O—12016/75/2001/ONG/D-IV]

N.C. ZAKHUP, Under Secy.

नई दिल्ली, 13 जनवरी, 2003

का. आ. 302.—केन्द्रीय सरकार को लोकहित में यह आवश्यक प्रतीत होता है कि गुजरात राज्य में साणंद जीजीएस-II से कलोल सीटीएफ तक पेट्रोलियम उत्पादों के परिवहन के लिए ऑयल एण्ड नैचुरल गैस कारपोरेशन लि. द्वारा एक पाइपलाइन बिछाई जानी चाहिए।

और केन्द्रीय सरकार को उक्त पाइपलाइन बिछाने के प्रयोजन के लिए यह आवश्यक प्रतीत होता है कि उस भूमि में जिसमें पाइपलाइन बिछाए जाने का प्रस्ताव है, और जो इस अधिसूचना से संलग्न अनुसूची में वर्णित है, उपयोग के अधिकार का अर्जन किया जाए ;

अतः, अब, केन्द्रीय सरकार, पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) की धारा 3 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, उस भूमि में उपयोग का अधिकार अर्जन करने के अपने आशय की घोषणा करती है।

कोई व्यक्ति, जो उक्त अनुसूची में वर्णित भूमि में हितबद्ध है, उस तारीख से जिसको राजपत्र में यथा प्रकाशित इस अधिसूचना की प्रतियां साधारण जनता को उपलब्ध करा दी जाती हैं, इक्कीस दिन के भीतर भूमि के नीचे पाइपलाइन बिछाने के लिए उसमें उपयोग के अधिकार अर्जन के सम्बन्ध में सक्षम प्राधिकारी, ऑयल एण्ड नैचुरल गैस कारपोरेशन लि., कन्सट्रक्शन एंड मेन्टेनेन्स डिवीजन, मकरपुरा रोड, बडोदरा-390009 को लिखित रूप में आक्षेप, भेज सकेगा।

अनुसूची.

डी-रूटींग साणंद जीजीएस-2 से कलोल सीटीएफ तक पाइप लाइन बिछाने के लिए

राज्य : गुजरात जिला : महेसाणा तालुका : कलोल

गांव	ब्लाक नं.	हेक्टर	अरे	सेन्टीआर
1	2	3	4	5
सेरीसा	747	0	15	75
	747	0	15	30
	739	0	12	00
	742	0	04	50
	710	0	40	15

1	2	3	4	5
सेरीसा—(जारी)	737	0	25	00
	736	0	04	50
	713	0	13	40
	714	0	04	10
	714	0	03	75
	571/P	0	32	96
	576	0	12	00
	577	0	18	10
	579	0	21	76
कार्ट ट्रैक		0	04	20

[फा.सं. ओ-12016/91/2001/ओएनजी/डी-IV]

एन.सी. जाखुप, अवर सचिव

New Delhi, the 13th January, 2003

S.O. 302.—Whereas it appears to the Central Government that it is necessary in the public interest that for the transportation of petroleum products from Sanand GGS-II to Kalol CTF in the state of Gujarat, a pipeline should be laid by the Oil and Natural Gas Corporation Limited.

And whereas, it appears, to the Central Government that for the purpose of laying the said pipeline, it is necessary to acquire the right of user in the land under which the said pipeline is proposed to be laid, and which is described in the Schedule annexed to this notification;

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), the Central Government hereby declares its intention to acquire the right of user therein.

Any person interested in the land described in the said Schedule may within twenty one days from the date on which the copies of the notification issued under sub-section (1) of section 3 of the said Act, as published in the Gazette of India, are made available to the general public, object in writing to the laying of the pipeline under the land to the Competent Authority, Oil and Natural Gas Corporation Ltd., Construction and Maintenance Division, Makarpura Road, Vadodara-390009.

SCHEDULE

De-routing of Pipeline from Sanand GGS-II to Kalol CTF.

State : Gujarat District : Mehsana Taluka : Kalol

Village	Block No.	Hectare	Are	Centiare
1	2	3	4	5
Scrisa	747	0	15	75
	747	0	15	30

1	2	3	4	5
Serisa (Conddtd.)	739	0	12	00
	742	0	04	50
	710	0	40	15
	737	0	25	00
	736	0	04	50
	713	0	13	40
	714	0	04	10
	714	0	03	75
	571/P	0	32	96
	576	0	12	00
	577	0	18	10
	579	0	21	76
	Cart track	0	04	20

[F.No. O-12016/91/2001/ONG/D-IV]

N.C. ZAKHUP, Under Secy.

नई दिल्ली, 13 जनवरी, 2003

का. आ. 303.—केन्द्रीय सरकार को लोकहित में यह आवश्यक प्रतीत होता है कि गुजरात राज्य में जोटना कूप नं. 22 से नोर्थ सन्थाल इटीपी तक पेट्रोलियम उत्पादों के परिवहन के लिए ऑयल एण्ड नैचुरल गैस कारपोरेशन लि. द्वारा एक पाइपलाइन बिछाई जानी चाहिए।

और केन्द्रीय सरकार को उक्त पाइपलाइन बिछाने के प्रयोजन के लिए यह आवश्यक प्रतीत होता है कि उस भूमि में जिसमें पाइप लाइन बिछाए जाने का प्रस्ताव है, और जो इस अधिसूचना से संलग्न अनुसूची में वर्णित है, उपयोग के अधिकार का अर्जन किया जाए ;

अतः, अब, केन्द्रीय सरकार, पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) की धारा 3 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, उस भूमि में उपयोग का अधिकार अर्जन करने के अपने आशय की घोषणा करती है।

कोई व्यक्ति, जो उक्त अनुसूची में वर्णित भूमि में हितबद्ध है, उस तारीख से जिसको राजपत्र में यथा प्रकाशित इस अधिसूचना की प्रतियां साधारण जनता को उपलब्ध करा दी जाती हैं, इक्कीस दिन के भीतर भूमि के नीचे पाइपलाइन बिछाने के लिए उसमें उपयोग के अधिकार अर्जन के सम्बन्ध में सक्षम प्राधिकारी, ऑयल एण्ड नैचुरल गैस कारपोरेशन लि., कन्स्ट्रक्शन एंड मेन्टेनेन्स डिवीजन, मकरपुरा रोड, वडोदरा-390009 को लिखित रूप में आक्षेप, भेज सकेगा।

अनुसूची

जोटना कूप नं. 22 से नोर्थ सन्थाल इटीपी तक पाइप लाइन बिछाने के लिए

राज्य : गुजरात	जिला : महेसाणा	तालुका : महेसाणा		
ग्राम	ब्लाक नं.	हेक्टर	आरे	सेन्टीआर
1	2	3	4	5
माकणज	1153	0	06	76

1	2	3	4	5
माकणज (जारी)	1151	0	01	04
	1224	0	10	40
	1225	0	09	36
	1101	0	11	44
	1100	0	32	76
	1099	0	01	25
	1094	0	10	92
	1093	0	05	72
	1091	0	36	92
	1085	0	03	64
	920	0	05	72

[फा.सं. ओ-12016/92/2001/ओएनजी/डी-IV]

एन.सी. जाखुप, अवर सचिव

New Delhi, the 13th January, 2003

S.O. 303.—Whereas it appears to the Central Government that it is necessary in the public interest that for the transportation of petroleum products from Jotana well No. 22 to North Santhal E.T.P. in the State of Gujarat, a pipeline should be laid by the Oil and Natural Gas Corporation Limited.

And whereas, it appears, to the Central Government that for the purpose of laying the said pipeline, it is necessary to acquire the right of user in the land under which the said pipeline is proposed to be laid, and which is described in the Schedule annexed to this notification;

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), the Central Government hereby declares its intention to acquire the right of user therein.

Any person interested in the land described in the said Schedule may within twenty one days from the date on which the copies of the notification issued under sub-section (1) of section 3 of the said Act, as published in the Gazette of India, are made available to the general public, object in writing to the laying of the pipeline under the land to the Competent Authority, Oil and Natural Gas Corporation Ltd., Construction and Maintenance Division, Makarpura Road, Vadodara-390009.

SCHEDULE

Pipeline from Jotana well No. 22 to North Santhal E.T.P.

State : Gujarat District : Mehsana Taluka : Mehsana

Village	Block No.	Hec(are)	Are	Centiare
1	2	3	4	5
Maknaj	1153	0	06	76
	1151	0	01	04

1	2	3	4	5
Maknaji(Contd.)	1224	0	10	40
	1225	0	09	36
	1101	0	11	44
	1100	0	32	76
	1099	0	01	25
	1094	0	10	92
	1093	0	05	72
	1091	0	36	92
	1085	0	03	64
	920	0	05	72

[F.No. O-12016/92/2001/ONG/D-IV]

N.C. ZAKHUP, Under Secy.

नई दिल्ली, 13 जनवरी, 2003

का. आ. 304.—केन्द्रीय सरकार को लोकहित में यह आवश्यक प्रतीत होता है कि गुजरात राज्य में जोताना कूप नं. 22 से नोर्थ संधाल इटीपी तक पेट्रोलियम उत्पादों के परिवहन के लिए ऑयल एण्ड नैचुरल गैस कारपोरेशन लि. द्वारा एक पाइपलाइन बिछाई जानी चाहिए।

और केन्द्रीय सरकार को उक्त पाइपलाइन बिछाने के प्रयोजन के लिए यह आवश्यक प्रतीत होता है कि उस भूमि में जिसमें पाइप लाइन बिछाए जाने का प्रस्ताव है, और जो इस अधिसूचना से संलग्न अनुसूची में वर्णित है, उपयोग के अधिकार का अर्जन किया जाए।

अतः, अब, केन्द्रीय सरकार, पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) की धारा 3 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, उस भूमि में उपयोग का अधिकार अर्जन करने के अपने आशय की घोषणा करती है।

कोई व्यक्ति, जो उक्त अनुसूची में वर्णित भूमि में हितबद्ध है, उस तारीख से जिसको राजपत्र में यथा प्रकाशित इस अधिसूचना की प्रतियां साधारण जनता को उपलब्ध करा दी जाती है, इक्कीस दिन के भीतर भूमि के नीचे पाइपलाइन बिछाने के लिए उसमें उपयोग के अधिकार अर्जन के सम्यन्ध में सक्षम प्राधिकारी, ऑयल एण्ड नैचुरल गैस कारपोरेशन लि., कन्स्ट्रक्शन एंड मेन्टेनेन्स डिवीजन, मकरपुरा रोड, वडोदरा-390009 को लिखित रूप में आक्षेप, भेज सकेगा।

अनुसूची

जोताना कूप नं. 22 से नोर्थ संधाल इटीपी तक पाइप लाइन बिछाने के लिए

राज्य : गुजरात	जिला : महेसाणा	तालुका : महेसाणा		
गांव	सर्वे नं.	हेक्टर	आरे	सेन्टीअर
1	2	3	4	5
खारा	167/1	0	05	20
	167/2	0	31	20

[फा.सं. ओ-12016/93/2001/ओएनजी/डी-IV]

एन.सी. जाखुप, अवर सचिव

New Delhi, the 13th January, 2003

S.O. 304.—Whereas it appears to the Central Government that it is necessary in the public interest that for the transportation of petroleum products from Jotana Well No. 22 to North Santhal E.T.P. in the State of Gujarat, a pipeline should be laid by the Oil and Natural and Corporation Limited.

And whereas, it appears, to the Central Government that for the purpose of laying the said pipeline, it is necessary to acquire the right of user in the land under which the said pipeline is proposed to be laid, and which is described in the Schedule annexed to this notification;

Now, therefore, in exercise of the powers conferred by Sub-section (1) of section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), the Central Government hereby declares its intention to acquire the right of user therein.

Any person interested in the land described in the said Schedule may within twenty one days from the date on which the copies of the notification issued under Sub-section (1) of section 3 of the said Act, as published in the Gazette of India, are made available to the general public, object in writing to the laying of the pipeline under the land to the Competent Authority. Oil and Natural Gas Corporation Ltd., Construction and Maintenance Division, Makarpura Road, Vadodara-390009.

SCHEDULE

Pipeline from Jotana Well No. 22 to North Santhal ETP.

State : Gujarat District : Mehsana Taluka : Mansa

Village	Survey No.	Hectare	Arc	Centiare
1	2	3	4	5
Khara	167/1	0	05	20
	167/2	0	31	20

[F.No. O-12016/93/2001/ONG/D-IV]

N.C. ZAKHUP, Under Secy.

नई दिल्ली, 20 जनवरी, 2003

का. आ. 305.—केन्द्रीय सरकार को लोकहित में यह आवश्यक प्रतीत होता है कि गुजरात राज्य की परीष्करण शाखाओं से राजस्थान राज्य में कोटा (बुन्दी) तक और मध्य प्रदेश राज्य में रतलाम, इन्दौर, इटारसी होते हुए महाराष्ट्र राज्य में नागपुर तक पेट्रोलियम उत्पादों के परिवहन के लिए पेट्रोनेट-सी. आई. लिमिटेड द्वारा पाइपलाइन बिछाई जानी चाहिए;

और, केन्द्रीय सरकार को उक्त पाइपलाइन बिछाने के प्रयोजन के लिए यह आवश्यक प्रतीत होता है कि उस भूमि में जिसके भीतर पाइप लाइन बिछाए जाने का प्रस्ताव है और जो इस अधिसूचना से संलग्न अनुसूची में वर्णित है, उपयोग के अधिकार का अर्जन किया जाए;

अतः अब, केन्द्रीय सरकार, पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) की धारा 3 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, उस भूमि में उपयोग के अधिकार का अर्जन करने के अपने आशय की घोषणा करती है;

कोई व्यक्ति जो उक्त अनुसूची में वर्णित भूमि में हितबद्ध है। उक्त अधिनियम की धारा 3 की उपधारा (1) के अधीन जारी की गई अधिसूचना से युक्त भारत के राजपत्र की प्रतियां साधारण जनता को उपलब्ध करा दिए जाने की तारीख से इक्कीस दिन के भीतर उसमें उपयोग के अधिकार का अर्जन या भूमि के अन्दर पाइपलाइन बिछाये जाने के सम्बन्ध में श्री बी. पी. तिवारी, सक्षम प्राधिकारी, सी. आई. पी. एल. प्रोजेक्ट पेट्रोनेट सी. आई. लिमिटेड, 692, सुदामा नगर, सेठी गेट सेक्टर, इंदौर, मध्य प्रदेश, को लिखित रूप में आक्षेप भेज सकेगा।

अनुसूची

तहसील : पांडुरणा जिला : छिंदवाड़ा राज्य : मध्य प्रदेश

क्षेत्रफल

गांव का नाम	खसरा सं.	हेक्टेयर	एयर	वर्गमीटर
1	2	3	4	5
मांडवी	248	0	20	25
	249	0	32	04
	253/2	0	17	10
	251/1	0	09	63
	251/2	0	10	26
मोही	126	0	18	36
	125/2	0	18	03
	123/1	0	15	13
	122/6	0	11	16
	122/5+7	0	11	25
	133/2	0	17	46
	200/2	0	00	30
	199	0	07	02
	198	0	21	60
	197	0	11	70

1	2	3	4	5
मोही (जारी)	203	0	10	80
	204/2	0	32	04
	215	0	14	40
	214/2	0	07	20
	214/1	0	02	88
	212	0	27	72
	220	0	17	28
चिकनी	14/3	0	00	20
	11	0	20	52
	17/2	0	03	60
	17/4	0	08	82
	18	0	10	39
	19	0	07	20
	22	0	02	17
	21/2	0	09	81
	21/1	0	00	30
	29	0	07	52
	30	0	00	89
	31/2	0	09	00
	31/1	0	06	26
	32	0	04	25
	203	0	10	80
	37/3	0	06	75
	202/2	0	08	82
	201/1	0	20	16
	201/2	0	14	13
	196/2	0	10	98
	197/1	0	27	00
	197/2	0	13	68
	189	0	05	85
	184	0	07	20
	186/2	0	17	46
	186/1	0	13	77
	260	0	04	68
	276	0	10	08
	275/2	0	18	00
	275/1	0	04	00
	281/4	0	00	42
	281/2	0	23	40
	281/3	0	00	75
	281/1	0	06	30
	282	0	08	10
	283/2	0	11	43
	283/1	0	02	62
	283/3	0	17	46

1	2	3	4	5	1	2	3	4	5
बाकोरा	62/6+63/2	0	01	96	खेड़ीकलों (जारी)	117/4	0	11	70
	63/1	0	11	16		117/2	0	09	90
	62/7	0	16	20		117/5	0	05	76
	62/1	0	06	12		69/1	0	00	20
	64/1	0	00	20	अन	67/1	0	00	20
	65	0	16	02		129/1	0	11	70
	66/1	0	09	72		131	0	14	31
	68/1	0	05	40		132/2	0	10	08
	69/3	0	04	32		132/4	0	02	98
	69/1	0	04	32		138	0	00	20
	70/2	0	13	50		133/2	0	22	23
	72/1	0	00	20		133/1	0	07	74
	90	0	11	52		134/1	0	07	02
	88, 89/1	0	09	36	आजनगाँव	2	0	18	00
	91/1	0	05	40		4/2	0	05	86
	92	0	10	08		4/1	0	21	15
	93	0	14	58		6/4	0	15	57
	94/4	0	06	12		6/3	0	14	94
	94/5	0	00	20		6/1	0	14	40
	94/2	0	15	84		57	0	18	90
	96/1	0	08	64		45/1	0	10	62
	96/2	0	01	44		45/3	0	03	24
	97	0	33	12		49/4	0	05	40
	98	0	01	52		49/1	0	00	20
तिगाँव	682	0	01	60		46/1	0	10	80
	683	0	08	28		47/1	0	02	81
	686/1	0	01	50		47/2	0	00	20
	685/1	0	14	13		116/1	0	01	58
	685/2	0	16	92		116/2	0	02	70
	697/1+2	0	15	84		116/3	0	00	34
	698	0	19	98		119	0	22	86
	699	0	18	18		143/1&4	0	10	62
	701	0	01	70		143/2	0	05	04
खेड़ीकलों	9	0	36	00		144	0	07	92
	10/1	0	12	96		142	0	15	84
	14	0	10	17		141/2	0	02	52
	15	0	00	20		139/1	0	00	20
	16/2	0	21	60		140	0	10	62
	16/3	0	11	70		138	0	07	74
	16/4	0	12	96		147	0	16	56
	19/2	0	04	32		137	0	00	20
	79	0	10	35		148/1	0	27	00
	78	0	17	82		148/8&10	0	18	36
	76	0	13	14		148/4	0	18	00
	77	0	06	30		148/2	0	00	20
	117/1	0	05	76		182/1	0	00	63

1	2	3	4	5	1	2	3	4	5
आजनगाँव (जारी)	182/3	0	13	50	पांढूना (जारी)	279/2	0	10	98
	182/2	0	14	94		279/3	0	03	28
	181	0	00	78		277	0	03	25
	165	0	23	22		276/2	0	10	80
	180/3	0	02	50		275/2	0	08	37
	168	0	21	96		275/3	0	06	48
	167/1	0	05	40		275/1	0	13	05
	167/2	0	13	86		273	0	01	21
खेड़ीधज्जेवार	102	0	00	52		267	0	19	44
	103	0	16	92		262/1	0	19	98
	104/1	0	06	30		262/2	0	03	24
	105/1	0	04	50		262/3	0	03	42
	105/2	0	04	14		344/1	0	19	26
	105/3	0	04	68		344/4	0	26	73
	105/4	0	04	14		410	0	14	13
	105/5	0	05	04		409	0	12	15
	106	0	12	33		407	0	18	90
	164	0	15	84		405	0	00	20
	166	0	13	14		404	0	05	22
	179	0	00	20		403	0	16	02
	180	0	09	27		402/2	0	00	20
	181	0	08	46		352	0	34	65
	184/2	0	18	72		350	0	00	45
	185/1	0	10	80		354/1+2	0	02	14
	185/2	0	10	08		351	0	26	64
	189/3+1	0	06	93		358	0	19	08
	190/3	0	06	12		359	0	00	97
	194/5	0	09	18		1375	0	00	52
	194/3	0	06	93		1379/1	0	13	41
	194/4	0	05	31		1379/2	0	13	41
	194/1	0	02	52		1380/1&1380/2 & 1380/3	0	00	40
	196/2	0	00	20	मगजगाँव	47/2	0	06	30
	196/1	0	29	34		48	0	16	02
	197	0	33	75		46/2	0	05	13
पांढूना	292/2	0	09	45		50	0	19	62
	292/1	0	02	03		51	0	14	04
	291/2	0	01	85		52/1	0	00	33
	291/1	0	07	29	अम्बाड़ा खुर्द	24/1	0	18	54
	290	0	07	20		24/2	0	12	24
	289	0	04	42		23	0	09	28
	283/1+2	0	02	50		21	0	09	36
	287	0	01	83		22	0	03	60
	284/3	0	04	14		27	0	17	10
	284/1	0	04	14		173	0	05	40
	284/2	0	04	14		171/1	0	28	08
	284/4	0	04	41		171/3	0	11	16

1	2	3	4	5	1	2	3	4	5
अम्बाड़ा खुर्द—जारी	169	0	07	92	गड़खापा (जारी)	138	0	04	50
	168	0	10	80		139	0	15	84
	167/2	0	06	12		141	0	15	48
	167/3	0	00	96		176	0	11	34
	167/1	0	06	12		175/1	0	10	80
	166	0	15	12		175/2	0	08	82
	181/2	0	02	88		175/3	0	05	58
	181/1	0	14	58		221	0	09	88
	186/1	0	00	20		174	0	02	00
	185	0	19	98		222/1	0	08	64
	184	0	20	16		222/2	0	14	94
	197	0	25	38		222/3	0	08	64
	199	0	00	31		225	0	10	80
	195/4	0	36	72		224	0	75	66
	195/5	0	15	84		223/8	0	00	20
	195/6	0	20	88		223/2	0	23	22
	210/1	0	05	40		346/2	0	05	88
	213/1	0	09	00		345	0	05	64
	213/2	0	09	36	"	350	0	35	64
	213/3	0	10	80	मोरखोंगरी	503/1	0	12	60
	213/5	0	05	76		503/2	0	14	04
	213/4	0	05	40		492/1	0	08	64
	363/2	0	39	24		492/4	0	18	00
	364/1+3	0	11	52		492/2	0	08	82
	365	0	11	52		492/3	0	08	10
	366	0	11	16		492/7	0	05	04
	368	0	14	04		492/6	0	01	08
	369	0	10	44		493	0	18	90
गड़खापा	112/2	0	21	24		483/1	0	28	62
	112/4	0	02	77		481/3	0	10	44
	112/1	0	12	96		481/2	0	06	48
	111/1	0	09	00		481/1	0	04	62
	100/5	0	09	54		480/2	0	00	20
	94	0	27	90		480/1	0	01	43
	90	0	09	00		479/2	0	03	96
	89	0	05	76		479/1	0	03	96
	87/1	0	06	12		478	0	04	32
	87/2	0	05	22		475	0	04	50
	130/1+3	0	07	74		471	0	10	08
	130/2	0	30	60		466	0	11	88
	133/1	0	21	06		463/1+2+3+4	0	00	20
	133/2+3	0	17	64		459	0	00	20
	135/1	0	05	04		673/2	0	06	80
	135/2	0	13	86		673/1	0	17	68
	136/1	0	10	80		672	0	01	50
	137	0	03	78		670	0	11	52

1	2	3	4	5	1	2	3	4	5
मोरङांगरी—जारी	680/2	0	00	20		757/3	0	09	54
	654/6	0	05	40	सिखनी	260	0	07	70
	654/4&5	0	05	40		261	0	07	02
	682/1	0	00	37		262	0	13	50
	682/2	0	01	09		263/1	0	00	99
	683/1	0	01	40		263/2	0	08	19
	683/2	0	01	40		263/3	0	05	22
	681	0	07	63		264	0	06	48
	684	0	07	74		265/1	0	07	15
	685/1	0	03	96		256	0	22	32
	685/2	0	03	96		257	0	00	97
	686/8	0	04	62		255	0	25	29
	686/3	0	02	94		274/5	0	27	90
	688	0	07	92		274/1	0	01	33
	691/1	0	02	88		275/3-276/2	0	00	28
	691/2	0	03	60		278/1	0	10	62
	693	0	03	60		278/2	0	01	97
	694	0	04	50		277/1	0	10	53
	697	0	04	32		279	0	12	33
	698/3	0	03	60		281	0	13	95
	698/2	0	04	68		282	0	10	44
	698/1	0	03	96		315	0	09	18
	699/1	0	02	88		391	0	00	20
	699/2	0	02	88		392	0	10	26
	699/3	0	02	70		395	0	02	99
	700	0	07	20		394	0	08	73
	704	0	09	72		399	0	03	60
	703/1+2	0	10	26		400	0	23	58
	702	0	00	69		401	0	14	58
	737	0	06	48		405/2	0	04	41
	742/1	0	09	00		405/1	0	03	60
	742/2	0	06	12		434	0	01	00
	743/2	0	27	72		435	0	06	75
	743/3	0	08	10		438	0	09	99
	743/4	0	00	20		439	0	01	59
	745	0	07	02		440	0	06	21
	774	0	21	42		444/1	0	07	29
	772	0	12	60		444/3	0	07	26
	769	0	12	78		443	0	02	03
	768	0	11	52		636	0	21	60
	765/1	0	14	85		629/10	0	00	20
	765/2	0	07	93		629/11	0	06	12
	762	0	00	20		629/12	0	01	06
	761/2	0	00	20		629/4	0	05	40
	757/1	0	03	19		630	0	12	60
	757/2	0	09	90		614	0	12	42

1	2	3	4	5	1	2	3	4	5
सिवनी (जारी)	613/5	0	03	96	सिवनी (जारी)	2039	0	09	99
	613/4	0	04	14		2041/2	0	22	23
	613/3	0	03	96		2041/1	0	08	10
	610/1	0	06	48	राजना	329	0	10	80
	610/2	0	05	76		328	0	08	82
	608	0	13	68		326/2	0	03	74
	602	0	02	99		327/2	0	00	36
	603	0	18	72		326/1	0	05	40
	593	0	00	20		325	0	11	70
	592	0	12	24		323	0		44
	590	0	13	14		319/3+2	0	13	14
	589	0	06	12		319/1	0	03	51
	588	0	05	76		318	0	00	20
	587/1	0	05	13		336	0	16	11
	587/2	0	05	13		350	0	30	60
	584	0	08	46		360	0	34	56
	583	0	07	83		362	0	20	43
	1543	0	00	20	टेमनी	2/1	0	00	20
	1544	0	11	97		2/2	0	03	68
	1548/3	0	06	75		2/4	0	09	00
	1548/4	0	06	57		2/3	0	08	10
	1542/4	0	13	95		2/5	0	05	58
	1554/1	0	24	93		24/1	0	30	24
	1555	0	22	14		27	0	00	60
	1556	0	00	39		26	0	15	48
	1557/1	0	07	56		25	0	13	50
	1557/2	0	08	28		23	0	00	20
	1557/3	0	07	74		32/1	0	05	52
	1558	0	23	94		36	0	51	93
	1560	0	22	05		38/1	0	07	02
	1576/4	0	15	84		39	0	25	92
	1576/3	0	15	12		40/2	0	11	16
	1576/2	0	11	88		41	0	28	08
	1576/1	0	11	79		42	0	08	82
	1577	0	03	87		270	0	44	28
	1579/2	0	18	90		287/3	0	09	90
	1580	0	14	31		289	0	17	46
	1581	0	26	28		290	0	19	62
	1585	0	04	52		293	0	00	63
	1584	0	15	75		297	0	40	14
	1995/7+8	0	00	20		330/1	0	00	20
	1995/1	0	10	80		330/2	0	22	86
	1995/3+4	0	22	32		329/5	0	08	64
	1994/3	0	02	37		329/6	0	08	37
	1994/1	0	18	72		322/1	0	10	26
	2038	0	00	85		322/2	0	12	42

1	2	3	4	5	1	2	3	4	5
रेमरी (जारी)	323	0	09	90	हिवरा सेनाडवार	420	0	11	39
	319	0	10	44	(जारी)	419	0	22	86
	318/1	0	11	52		436	0	47	16
	318/2	0	07	20		437/1	0	11	25
	317/1+4	0	12	06		437/2	0	06	28
	350	0	25	74		435/3	0	14	22
	352	0	20	25		438/1	0	01	88
हिवरा सेनाडवार	528	0	01	26		439	0	00	38
	527/1	0	29	70		446/1	0	00	87
	525/9	0	42	66		445	0	18	00
	525/5	0	05	94		444	0	01	13
	525/2	0	08	82		449	0	21	24
	577	0	08	28	चिचोली वड़	987	0	01	80
	524/1+2	0	19	08		1017/1	0	15	84
	581	0	02	14		1017/2	0	16	92
	586	0	07	74		1018	0	02	47
	587/1+2	0	13	95		1114	0	00	64
	588	0	05	22		1113	0	03	60
	589	0	02	18		1111	0	14	94
	590	0	00	91		1110	0	07	92
	600/1	0	03	24		1103	0	09	18
	600/2	0	06	84		1102/2	0	06	84
	600/3	0	06	93		1102/1	0	05	85
	600/4	0	01	06		1088/2	0	25	11
	567	0	15	48		1089	0	04	14
	626/2	0	07	02		1090	0	00	20
	627/2	0	05	04		1081	0	11	79
	627/1	0	23	40		1079	0	12	78
	625/1	0	00	20		1078	0	06	75
	634/2	0	02	50		1077/1	0	09	36
	637/1	0	12	51		1170	0	11	70
	636	0	15	12		1173/1	0	11	34
	635	0	12	24		1173	0	14	76
	638/1	0	00	76		1174/1	0	16	92
	479	0	32	22		1176/1+2	0	10	62
	476/1	0	04	65		1179/1	0	20	28
	464/1	0	00	20		1180	0	00	20
	462/1	0	20	07		1254	0	43	56
	462/2	0	08	46		1249/1	0	00	20
	462/4	0	11	61		1264	0	02	79
	414	0	00	20		1244	0	27	54
	415	0	33	12		1241/1	0	29	43
	422/1	0	19	35		1239	0	15	25
	422/2	0	03	66		1346	0	09	36
	423	0	04	29		1348	0	28	62
	421	0	09	90		1349/1	0	03	87
						1351/1	0	13	95

1	2	3	4	5
चिचोली बड़(जारी)	1351/3	0	01	76
	1365/1	0	09	54
	1409/1+2	0	00	20
	1368/1	0	18	81
	1368/2	0	18	81
	1407/2	0	00	20
	1371/2	0	10	20
	1378/1	0	05	74
	1378/2	0	04	32
	1379/1	0	02	25
	1377/1	0	16	56
	1381	0	14	58
	1396/1	0	07	74
	1397	0	06	30
	1489	0	27	54
	1490	0	07	11
	1499	0	12	06
	1501	0	30	24

[फा. सं. 25011/45/2002/ओ आर-1]

रेणुका कुमार, अवर सचिव

New Delhi, the 20th January, 2003

S.O. 305.—Whereas it appears to the Central Government that it is necessary in the public interest that for the transportation of petroleum products from refineries in the state of Gujarat to Kota (Bundi) in Rajasthan State and Nagpur in Maharashtra State via Ratlam, Indore and Itarsi in Madhya Pradesh State, a pipeline should be laid by Petronet C.I. Limited.

And whereas, it appears, to the Central Government that for the purpose of laying the said pipeline, it is necessary to acquire the Right of User in land under which the said pipeline is proposed to be laid and which is described in the Schedule annexed to this notification.

Now, therefore, in exercise of the powers conferred by Sub-section (1) of section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), the Central Government hereby declares its intention to acquire the right of user therein.

Any person interested in the land described in the said Schedule may within twenty one days from the date on which the copies of the notification issued under Sub-section (1) of section 3 of the said Act, as published in the Gazette of India, are made available to the general public, object in writing to the acquisition of the right of user therein or laying of the pipeline under the land to Shri B.P. Tiwari, Competent Authority, CIPL Project of Petronet C.I. Limited, 692, Sudama Nagar, Sethi Gate Sector, Indore, Madhya Pradesh.

SCHEDULE				
Tehsil : Pandhurna		District : Chhindawara		
State : Madhya Pradesh				
Name of Village	Khasara No.	Area		
		Hectare	Are	Sq. mtr.
1	2	3	4	5
Mandvi	248	0	20	25
	249	0	32	04
	253/2	0	17	10
	251/1	0	09	63
	251/2	0	10	26
	126	0	18	36
	125/2	0	18	03
	123/1	0	15	13
	122/6	0	11	16
	122/5+7	0	11	25
Mohi	133/2	0	17	46
	200/2	0	00	30
	199	0	07	02
	198	0	21	60
	197	0	11	70
	203	0	10	80
	204/2	0	32	04
	215	0	14	40
	214/2	0	07	20
	214/1	0	02	88
	212	0	27	72
	220	0	17	28
	14/3	0	00	20
	11	0	20	52
	17/2	0	03	60
	17/4	0	08	82
	18	0	10	39
	19	0	07	20
	22	0	02	17
	21/2	0	09	81
Chikni	21/1	0	00	30
	29	0	07	52
	30	0	00	89
	31/2	0	09	00
	31/1	0	06	26
	32	0	04	25
	203	0	10	80
	37/3	0	06	75
	202/2	0	08	82
	201/1	0	20	16

1	2	3	4	5	1	2	3	4	5
Chikni—(contd.)	201/2	0	14	13	Tigaon	682	0	01	60
	196/2	0	10	98		683	0	08	28
	197/1	0	27	00		686/1	0	01	50
	197/2	0	13	68		685/1	0	14	13
	189	0	05	85		685/2	0	16	92
	184	0	07	20		697/1+2	0	15	84
	186/2	0	17	46		698	0	19	98
	186/1	0	13	77		699	0	18	18
	260	0	04	68		701	0	01	70
	276	0	10	08	Khedikalan	9	0	36	00
	275/2	0	18	00		10/1	0	12	96
	275/1	0	04	00		14	0	10	17
	281/4	0	00	42		15	0	00	20
	281/2	0	23	40		16/2	0	21	60
	281/3	0	00	75		16/3	0	11	70
	281/1	0	06	30		16/4	0	12	96
	282	0	08	10		19/2	0	04	32
	283/2	0	11	43		79	0	10	35
	283/1	0	02	62		78	0	17	82
	283/3	0	17	46		76	0	13	14
Bakora	62/6+63/2	0	01	96		77	0	06	30
	63/1	0	11	16		117/1	0	05	76
	62/7	0	16	20		117/4	0	11	70
	62/1	0	06	12		117/2	0	09	90
	64/1	0	00	20		117/5	0	05	76
	65	0	16	02		69/1	0	00	20
	66/1	0	09	72		67/1	0	00	20
	68/1	0	05	40		129/1	0	11	70
	69/3	0	04	32		131	0	14	31
	69/1	0	04	32		132/2	0	10	08
	70/2	0	13	50		132/4	0	02	98
	72/1	0	00	20		138	0	00	20
	90	0	11	52		133/2	0	22	23
	88, 89/1	0	09	36		133/1	0	07	74
	91/1	0	05	40	Aajangaon	134/1	0	07	02
	92	0	10	08		2	0	18	00
	93	0	14	58		4/2	0	05	86
	94/4	0	06	12		4/1	0	21	15
	94/5	0	00	20		6/4	0	15	57
	94/2	0	15	84		6/3	0	14	94
	96/1	0	08	64		6/1	0	14	40
	96/2	0	01	44		57	0	18	90
	7	0	33	12		45/1	0	10	62
	8	0	01	52		45/3	0	03	24
						49/4	0	05	40
						49/1	0	00	20
						46/1	0	10	80

1	2	3	4	5	1	2	3	4	5
Aajangaon (contd.)	47/1	0	02	81	Khedidhajjewar	189/3+1	0	06	93
	47/2	0	00	20	(contd.)	190/3	0	06	12
	116/1	0	01	58		194/5	0	09	18
	116/2	0	02	70		194/3	0	06	93
	116/3	0	00	34		194/4	0	05	31
	119	0	22	86		194/1	0	02	52
	143/1&4	0	10	62		196/2	0	00	20
	143/2	0	05	04		196/1	0	29	34
	144	0	07	92		197	0	33	75
	142	0	15	84	Pandhurna	292/2	0	09	45
	141/2	0	02	52		292/1	0	02	03
	139/1	0	00	20		291/2	0	01	85
	140	0	10	62		291/1	0	07	29
	138	0	07	74		290	0	07	20
	147	0	16	56		289	0	04	42
	137	0	00	20		283/1+2	0	02	50
	148/1	0	27	00		287	0	01	83
	148/8&10	0	18	36		284/3	0	04	14
	148/4	0	18	00		284/1	0	04	14
	148/2	0	00	20		284/2	0	04	14
	182/1	0	00	63		284/4	0	04	41
	182/3	0	13	50		279/2	0	10	98
	182/2	0	14	94		279/3	0	03	28
	181	0	00	78		277	0	03	25
	165	0	23	22		276/2	0	10	80
	180/3	0	02	50		275/2	0	08	37
	168	0	21	96		275/3	0	06	48
	167/1	0	05	40		275/1	0	13	05
	167/2	0	13	86		273	0	01	21
Khedidhajjewar	102	0	00	52		267	0	19	44
	103	0	16	92		262/1	0	19	98
	104/1	0	06	30		262/2	0	03	24
	105/1	0	04	50		262/3	0	03	42
	105/2	0	04	14		344/1	0	19	26
	105/3	0	04	68		344/4	0	26	73
	105/4	0	04	14		410	0	14	13
	105/5	0	05	04		409	0	12	15
	106	0	12	33		407	0	18	90
	164	0	15	84		405	0	00	20
	166	0	13	14		404	0	05	22
	179	0	00	20		403	0	16	02
	180	0	09	27		402/2	0	00	20
	181	0	08	46		352	0	34	65
	184/2	0	18	72		350	0	00	45
	185/1	0	10	80		354/1+2	0	02	14
	185/2	0	10	08		351	0	26	64

1	2	3	4	5	1	2	3	4	5
Pandhurna (contd.)	358	0	19	08	Ambada Khurd	365	0	11	52
	359	0	00	97	(contd.)	366	0	11	16
	1375	0	00	52		368	0	14	04
	1379/1	0	13	41		369	0	10	44
	1379/2	0	13	41	Gadkhapa	112/2	0	21	24
	1380/1&1380/2	0	00	46		112/4	0	02	77
	& 1380/3					112/1	0	12	96
Magajgaon	47/2	0	06	30		111/1	0	09	00
	48	0	16	02		100/5	0	09	54
	46/2	0	05	13		94	0	27	90
	50	0	19	62		90	0	09	00
	51	0	14	04		89	0	05	76
	52/1	0	00	33		87/1	0	06	12
Ambada Khurd	24/1	0	18	54		87/2	0	05	22
	24/2	0	12	24		130/1+3	0	07	74
	23	0	09	28		130/2	0	30	60
	21	0	09	36		133/1	0	21	06
	22	0	03	60		133/2+3	0	17	64
	27	0	17	10		135/1	0	05	04
	173	0	05	40		135/2	0	13	86
	171/1	0	28	08		136/1	0	10	80
	171/3	0	11	16		137	0	03	78
	169	0	07	92		138	0	04	50
	168	0	10	80		139	0	15	84
	167/2	0	06	12		141	0	15	48
	167/3	0	00	96		176	0	11	34
	167/1	0	06	12		175/1	0	10	80
	166	0	15	12		175/2	0	08	82
	181/2	0	02	88		175/3	0	05	58
	181/1	0	14	58		221	0	09	88
	186/1	0	00	20		174	0	02	00
	185	0	19	98		222/1	0	08	64
	184	0	20	16		222/2	0	14	94
	197	0	25	38		222/3	0	08	64
	199	0	00	31		225	0	10	80
	195/4	0	36	72		224	0	75	66
	195/5	0	15	84		223/8	0	00	20
	195/6	0	20	88		223/2	0	23	22
	210/1	0	05	40		346/2	0	05	88
	213/1	0	09	00		345	0	05	64
	213/2	0	09	36		350	0	35	64
	213/3	0	10	80	Mordongri	503/1	0	12	60
	213/5	0	05	76		503/2	0	14	04
	213/4	0	05	40		492/1	0	08	64
	363/2	0	39	24		492/4	0	18	00
	364/1+3	0	11	52		492/2	0	08	82

1	2	3	4	5	1	2	3	4	5
Mordongri	492/3	0	08	10	Mordongri	699/3	0	02	70
(Contd.)	492/7	0	05	04	(Contd.)	700	0	07	20
	492/6	0	01	08		704	0	09	72
	493	0	18	90		703/1+2	0	10	26
	483/1	0	28	62		702	0	00	69
	481/3	0	10	44		737	0	06	48
	481/2	0	06	48		742/1	0	09	00
	481/1	0	04	62		742/2	0	06	12
	480/2	0	00	20		743/2	0	27	72
	480/1	0	01	43		743/3	0	08	10
	479/2	0	03	96		743/4	0	00	20
	479/1	0	03	96		745	0	07	02
	478	0	04	32		774	0	21	42
	475	0	04	50		772	0	12	60
	471	0	10	08		769	0	12	78
	466	0	11	88		768	0	11	52
	463/1+2+3+4	0	00	20		765/1	0	14	85
	459	0	00	20		765/2	0	07	93
	673/2	0	06	80		762	0	00	20
	673/1	0	17	68		761/2	0	00	20
	672	0	01	50		757/1	0	03	19
	670	0	11	52		757/2	0	09	90
	680/2	0	00	20		757/3	0	09	54
	654/6	0	05	40	Sioni	260	0	07	70
	654/4&5	0	05	40		261	0	07	02
	682/1	0	00	37		262	0	13	50
	682/2	0	01	09		263/1	0	00	99
	683/1	0	01	40		263/2	0	08	19
	683/2	0	01	40		263/3	0	05	22
	681	0	07	63		264	0	06	48
	684	0	07	74		265/1	0	07	15
	685/1	0	03	96		256	0	22	32
	685/2	0	03	96		257	0	00	97
	686/8	0	04	62		255	0	25	29
	686/3	0	02	94		274/5	0	27	90
	688	0	07	92		274/1	0	01	33
	691/1	0	02	88		275/3-276/2	0	00	28
	691/2	0	03	60		278/1	0	10	62
	693	0	03	60		278/2	0	01	97
	694	0	04	50		277/1	0	10	53
	697	0	04	32		279	0	12	33
	698/3	0	03	60		281	0	13	95
	698/2	0	04	68		282	0	10	44
	698/1	0	03	96		315	0	09	18
	699/1	0	02	88		391	0	00	20
	699/2	0	02	88		392	0	10	26

	2	3	4	5	1	2	3	4	5
Sioni (Contd.)	395	0	02	99	Sioni (Contd.)	1556	0	00	39
	394	0	08	73		1557/1	0	07	56
	399	0	03	60		1557/2	0	08	28
	400	0	23	58		1557/3	0	07	74
	401	0	14	58		1558	0	23	94
	405/2	0	04	41		1560	0	22	05
	405/1	0	03	60		1576/4	0	15	84
	434	0	01	00		1576/3	0	15	12
	435	0	06	75		1576/2	0	11	88
	438	0	09	99		1576/1	0	11	79
	439	0	01	59		1577	0	03	87
	440	0	06	21		1579/2	0	18	90
	444/1	0	07	29		1580	0	14	31
	444/3	0	07	26		1581	0	26	28
	443	0	02	03		1585	0	04	52
	636	0	21	60		1584	0	15	75
	629/10	0	00	20		1995/7+8	0	00	20
	629/11	0	06	12		1995/1	0	10	80
	629/12	0	01	06		1995/3+4	0	22	32
	629/4	0	05	40		1994/3	0	02	37
	630	0	12	60		1994/1	0	18	72
	614	0	12	42		2038	0	00	85
	613/5	0	03	96		2039	0	09	99
	613/4	0	04	14		2041/2	0	22	23
	613/3	0	03	96		2041/1	0	08	10
	610/1	0	06	48	Rajna	329	0	10	80
	610/2	0	05	76		328	0	08	82
	608	0	13	68		326/2	0	03	74
	602	0	02	99		327/2	0	00	36
	603	0	18	72		326/1	0	05	40
	593	0	00	20		325	0	11	70
	592	0	12	24		323	0	10	44
	590	0	13	14		319/3+2	0	13	14
	589	0	06	12		319/1	0	03	51
	588	0	05	76		318	0	00	20
	587/1	0	05	13		336	0	16	11
	587/2	0	05	13		350	0	30	60
	584	0	08	46		360	0	34	56
	583	0	07	83		362	0	20	43
	1543	0	00	20	Temni	2/1	0	00	20
	1544	0	11	97		2/2	0	03	68
	1548/3	0	06	75		2/4	0	09	00
	1548/4	0	06	57		2/3	0	08	10
	1542/4	0	13	95		2/5	0	05	58
	1554/1	0	24	93		24/1	0	30	24
	1555	0	22	14		27	0	00	60

1	2	3	4	5	1	2	3	4	5
Tcmni (Contd.)	26	0	15	48	Hiwara (Sendwar)	567	0	15	48
	25	0	13	50	(Contd.)	626/2	0	07	02
	23	0	00	20		627/2	0	05	04
	32/1	0	05	52		627/1	0	23	40
	36	0	51	93		625/1	0	00	20
	38/1	0	07	02		634/2	0	02	50
	39	0	25	92		637/1	0	12	51
	40/2	0	11	16		636	0	15	12
	41	0	28	08		635	0	12	24
	42	0	08	82		638/1	0	00	76
	270	0	44	28		479	0	32	22
	287/3	0	09	90		476/1	0	04	65
	289	0	17	46		464/1	0	00	20
	290	0	19	62		462/1	0	20	07
	293	0	00	63		462/2	0	08	46
	297	0	40	14		462/4	0	11	61
	330/1	0	00	20		414	0	00	20
	330/2	0	22	86		415	0	33	12
	329/5	0	08	64		422/1	0	19	35
	329/6	0	08	37		422/2	0	03	66
	322/1	0	10	26		423	0	04	29
	322/2	0	12	42		421	0	09	90
	323	0	09	90		420	0	11	39
	319	0	10	44		419	0	22	86
	318/1	0	11	52		436	0	47	16
	318/2	0	07	20		437/1	0	11	25
	317/1+4	0	12	06		437/2	0	06	28
	350	0	25	74		435/3	0	14	22
	352	0	20	25		438/1	0	01	88
Hiwara (Sendwar)	528	0	01	26		439	0	00	38
	527/1	0	29	70		446/1	0	00	87
	525/9	0	42	66		445	0	18	00
	525/5	0	05	94		444	0	01	13
	525/2	0	08	82		449	0	21	24
	577	0	08	28	Chicholibud	987	0	01	80
	524/1+2	0	19	08		1017/1	0	15	84
	581	0	02	14		1017/2	0	16	92
	586	0	07	74		1018	0	02	47
	587/1+2	0	13	95		1114	0	00	64
	588	0	05	22		1113	0	03	60
	589	0	02	18		1111	0	14	94
	590	0	00	91		1110	0	07	92
	600/1	0	03	24		1103	0	09	18
	600/2	0	06	84		1102/2	0	06	84
	600/3	0	06	93		1102/1	0	05	85
	600/4	0	01	06		1088/2	0	25	11

1	2	3	4	5
Chicholibud	1089	0	04	14
(Contd.)	1090	0	00	20
	1081	0	11	79
	1079	0	12	78
	1078	0	06	75
	1077/1	0	09	36
	1170	0	11	70
	1172/1	0	11	34
	1173	0	14	76
	1174/1	0	16	92
	1176/1+2	0	10	62
	1179/1	0	20	28
	1180	0	00	20
	1254	0	43	56
	1249/1	0	00	20
	1264	0	02	79
	1244	0	27	54
	1241/1	0	29	43
	1239	0	15	25
	1346	0	09	36
	1348	0	28	62
	1349/1	0	03	87
	1351/1	0	13	95
	1351/3	0	01	76
	1365/1	0	09	54
	1409/1+2	0	00	20
	1368/1	0	18	81
	1368/2	0	18	81
	1407/2	0	00	20
	1371/2	0	10	20
	1378/1	0	05	74
	1378/2	0	04	32
	1379/1	0	02	25
	1377/1	0	16	56
	1381	0	14	58
	1396/1	0	07	74
	1397	0	06	30
	1489	0	27	54
	1490	0	07	11
	1499	0	12	06
	1501	0	30	24

[F. No. R-25011/45/2002/O.R.-I]
RENUKA KUMAR, Under Secy.

नई दिल्ली, 22 जनवरी, 2003

का. आ. 306.—केन्द्रीय सरकार को लोकहित में यह आवश्यक प्रतीत होता है कि गुजरात राज्य की परीष्करण शाखाओं से राजस्थान राज्य में कोटा (बुन्दी) तक और मध्य प्रदेश राज्य में रतलाम, इन्दौर, इटारसी होते हुए महाराष्ट्र राज्य में नागपुर तक पेट्रोलियम उत्पादों के परिवहन के लिए पेट्रोनेट-सी. आई. लिमिटेड द्वारा पाइपलाइन बिछाई जानी चाहिए;

और, केन्द्रीय सरकार को उक्त पाइपलाइन बिछाने के प्रयोजन के लिए यह आवश्यक प्रतीत होता है कि उस भूमि में जिसके भीतर पाइपलाइन बिछाए जाने का प्रस्ताव है और जो इस अधिसूचना से संलग्न अनुसूची में वर्णित है, उपयोग के अधिकार का अर्जन किया जाए;

अतः, अब, केन्द्रीय सरकार, पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) की धारा 3 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, उस भूमि में उपयोग के अधिकार का अर्जन करने के अपने आशय की घोषणा करती है;

कोई व्यक्ति जो उक्त अनुसूची में वर्णित भूमि में हितबद्ध है, उक्त अधिनियम की धारा 3 की उपधारा (1) के अधीन जारी की गई अधिसूचना जो भारत के राजपत्र में प्रकाशित की गई थी की प्रतियां साधारण जनता को उपलब्ध करा दिए जाने की तारीख से इक्कीस दिन के भीतर उसमें उपयोग के अधिकार का अर्जन या भूमि के अन्दर पाइपलाइन बिछाने के सम्बन्ध में श्री बी. पी. तिवारी सक्षम प्राधिकारी, सी. आई. पी. एल. प्रोजेक्ट पेट्रोनेट सी. आई. लिमिटेड, 692, सुदामा नगर, सेठी गेट सेक्टर, इंदौर, मध्य प्रदेश, को लिखित रूप में आक्षेप भेज सकेगा।

अनुसूची

तहसील : मुलताई	जिला : बैतुल	राज्य : मध्य प्रदेश			
गांव का नाम	खसरा सं.	क्षेत्रफल			
		हेक्टेयर	एयर	वर्ग मीटर	
1	2	3	4	5	
येनस	360	0	67	86	
	356	0	03	44	
	358	0	15	66	
	359/1	0	11	16	
	359/2	0	14	94	
	369/1	0	12	06	
	370/1	0	07	56	
	385	0	02	08	
	384	0	22	50	
	383	0	32	40	
	410	0	07	56	
	406/1	0	12	60	
	553	0	00	20	
	554/12	0	00	90	

1	2	3	4	5	1	2	3	4	5
येनस (जारी)	554/4	0	07	88	निरगुड (जारी)	284/2	0	08	82
	554/17+20+21	0	08	46		284/3	0	01	80
	554/6	0	01	08		281/1	0	00	20
	554/10	0	01	40		343/6	0	00	70
	554/9	0	02	21		343/7	0	09	00
	554/8	0	04	64		343/8	0	01	79
	554/11	0	01	40		344	0	06	93
	554/2	0	04	20		352/1	0	02	90
	563/2	0	02	35		352/2	0	15	30
	562	0	16	02		350/2	0	02	78
	564	0	15	66		348/2	0	12	24
	565	0	00	43		349/1	0	06	48
	561	0	09	72		349/2	0	05	76
	572	0	19	26		348/1	0	13	50
	573	0	00	20		339/1	0	01	91
	570	0	00	20		313/3	0	09	18
	571	0	00	84		325	0	21	60
	603	0	15	66		326	0	33	03
	602	0	00	74	सुखाखेडी	95	0	15	97
	604/2	0	00	20		94	0	03	02
	605	0	02	88	नगरकोट	186/2	0	07	02
	607	0	00	20		187	0	15	84
	606/1	0	10	80		188	0	57	78
	606/2	0	00	20		214	0	29	34
	600	0	09	18		215	0	40	50
	626	0	09	90		218	0	37	08
	627	0	00	84		224	0	07	20
	631	0	38	43		223	0	00	20
	630/1	0	00	20		226	0	10	10
	630/4	0	16	74		225	0	10	10
	630/3	0	08	28		227	0	09	90
	630/2	0	03	96	मोही	238	0	24	30
निरगुड	14/3	0	00	80		233/3	0	01	59
	14/4	0	06	48		233/4	0	12	96
	14/5	0	00	60		248/4	0	19	89
	260	0	07	20		248/2	0	15	40
	263	0	00	58		248/3	0	23	42
	262/1	0	06	21		250/2	0	00	20
	262/2	0	07	20		249	0	10	62
	261	0	08	46		250/3	0	06	12
	275	0	34	20		250/5	0	04	50
	286/3	0	03	68		282	0	18	72
	286/2	0	33	75		283/1	0	15	66
	283/1	0	00	60		284	0	32	04
	285	0	00	20		285	0	00	20
	284/1	0	14	22		276	0	22	86
						275/1	0	08	28

1	2	3	4	5	1	2	3	4	5
मोही (जारी)	300	0	23	94	बलनी (जारी)	12/12	0	12	24
	302	0	07	92		14	0	12	24
	317/3	0	11	16		175/2	0	15	12
	317/1	0	16	92		170/2	0	09	72
	316	0	60	48		169/1	0	11	34
	315/2	0	01	50		169/2	0	10	62
	407/1	0	05	76		169/3	0	00	60
हेटीखापा	251	0	34	74		168/3	0	00	20
	250	0	07	20		168/4	0	09	18
	252	0	04	32		168/5	0	07	38
	266	0	03	25		168/6	0	05	58
	265	0	12	60		257/2	0	11	70
	264	0	21	42		257/3	0	00	20
	263	0	07	20		257/7	0	12	06
	276/2	0	13	32		258/3	0	02	18
	276/1	0	02	06		258/4	0	11	52
	278	0	31	68		258/5	0	15	12
	279	0	00	20		259/1	0	29	34
	299/1	0	18	64		259/2	0	00	20
	299/2	0	01	43		269/1	0	07	20
	300/1	0	08	64		269/2	0	01	50
	300/3	0	47	07		268	0	13	32
	304	0	01	87		267	0	00	20
	309	0	04	32	पारेगाव	100/1	0	02	08
	336	0	09	72		99/1	0	26	46
	337	0	08	28		99/2	0	00	20
	338	0	06	48		99/6	0	00	20
	339	0	00	20		99/7	0	13	32
	341	0	10	08		99/8	0	06	21
	342	0	10	62		99/3	0	06	12
	354/1	0	00	20		99/4	0	00	92
	343	0	09	18		97/2	0	00	42
	344	0	07	20		97/1	0	09	99
	345	0	08	64		98	0	14	22
	346	0	08	64		95	0	21	59
	347	0	07	92		94	0	04	87
	348	0	05	04		93	0	08	55
बलनी	4	0	07	56		88	0	08	73
	23/1	0	01	50		92	0	00	20
	24	0	27	54		89	0	14	76
	21	0	45	00		90	0	01	42
	20/2	0	09	00		76	0	23	22
	20/3	0	06	30		75/1	0	16	74
	20/4	0	09	00		75/2	0	03	78
	19	0	16	20		74/1	0	02	04
	12/8	0	00	85		73/4	0	04	32

1	2	3	4	5	1	2	3	4	5
पारेगाव (जारी)	73/5	0	00	20	हिराखपा (जारी)	82/3	0	11	16
	71/2	0	11	16		83	0	05	40
	70/2	0	11	34	खरसाली	39/1	0	04	14
	70/1	0	01	77		39/2	0	08	64
	204	0	08	10		39/3	0	08	64
	205	0	24	21		39/4	0	09	36
	67	0	51	12		38/1	0	07	92
	208	0	06	68		37	0	05	22
	209/1	0	04	68		34	0	17	28
मुलताई	830	0	00	70		69	0	41	40
	831	0	07	20		25	0	41	31
	832/2	0	07	20		24/1	0	14	76
	833	0	42	12		24/2	0	15	30
	838/1	0	09	90		24/3	0	13	77
	835	0	19	98		24/4	0	00	60
	846	0	43	56		125/1	0	04	14
	847	0	10	98		124/3	0	10	17
	962	0	09	90		123/1	0	10	08
	963/1	0	05	40		171	0	34	20
	966	0	24	30		170/1	0	44	28
	957/3	0	31	37		169	0	22	50
	957/4	0	01	40		168	0	46	44
	957/1	0	13	50		167	0	11	16
	988/3	0	47	70		210/4	0	14	40
	988/5	0	18	00		210/5	0	10	08
	986	0	02	88		210/6	0	19	53
	1000	0	23	58		210/1	0	00	20
	1001	0	05	04	थावरिया	184/1	0	40	68
	1008	0	07	74		184/2	0	23	40
	1018	0	18	54		189	0	20	70
	1017	0	14	94		190	0	00	48
	1016	0	11	34		174	0	44	37
	1015	0	00	20		173	0	27	72
	1014	0	09	90		172	0	12	78
	1032	0	19	26		171	0	13	14
	1031	0	22	14		167/2	0	12	60
	1030	0	19	98		169/2	0	21	78
	1188/1+2+3	0	25	20	चैनपुर	167	0	07	20
	1190	0	27	72		166	0	11	70
	1249	0	28	80		164	0	50	22
	1247	0	00	20		165	0	00	20
हिराखपा	80/2	0	06	48		162	0	12	78
	80/1	0	14	22		173	0	00	20
	82/4	0	07	20		177	0	26	82
	82/1	0	06	66		180	0	17	10
	82/2	0	20	88		184	0	18	36

1	2	3	4	5	1	2	3	4	5
चैनपुर (जारी)	185	0	03	51	चिचांडा (जारी)	5	0	00	20
	191/1	0	02	88		6	0	10	79
	190	0	09	18		7	0	06	48
	189	0	07	74		10/1	0	07	56
	191/7	0	11	34		11	0	08	46
	191/8	0	09	18		12	0	00	66
	191/9	0	09	00		13	0	03	88
	191/10	0	08	28		16/2	0	14	94
	193	0	25	02		17/1	0	12	06
मालेगाव	287	0	17	10		19	0	16	83
	288	0	23	40		20	0	14	67
	292	0	21	06		22	0	12	60
	293/1	0	07	92		23	0	14	49
	293/2	0	15	66		33	0	49	15
	298	0	35	64		34/1	0	04	65
	294	0	00	20		34/2	0	11	21
	297	0	09	00		29/1	0	07	02
	340	0	41	76		29/5	0	07	11
	343	0	12	78		28/11	0	09	59
	347/1	0	64	53		40/1	0	16	20
	345	0	02	35		40/2	0	06	84
	359/1	0	02	61		40/3	0	07	68
	361	0	28	26		40/8	0	10	05
कोल्हट्या	138	0	21	06		40/6	0	08	64
	137	0	24	30		40/5	0	00	20
	123	0	28	44		252/3	0	38	52
	171/1	0	13	50		252/4	0	27	36
	172	0	42	12		252/10	0	00	20
	187	0	44	82		252/9	0	00	20
	186	0	13	14		247/3	0	10	17
	184	0	18	54		247/4	0	19	08
	182	0	32	76		247/5	0	17	82
	181	0	00	20		246	0	16	20
	180	0	04	89		380	0	03	60
	263	0	09	87		386	0	13	77
	264	0	32	76		382/4	0	00	44
हतनापुर	124	0	05	94		382/2	0	21	90
	123	0	22	68		382/1	0	00	32
	127	0	13	50		382/6	0	00	60
	132/2	0	03	96		382/7	0	07	20
	135/4	0	50	58		503/1	0	44	64
	135/8	0	11	34		503/2	0	15	30
चिचांडा	2	0	05	22		503/3	0	17	64
	3	0	10	08		503/4	0	04	32
	4	0	09	59		503/5	0	04	05
						503/6	0	04	95
						503/7	0	24	84
						531	0	03	60

1	2	3	4	5	1	2	3	4	5
मल्हारा	225	0	75	24	कुंडई (जारी)	184/18	0	02	85
	223	0	13	86		184/5	0	04	87
	219	0	18	72		184/4	0	00	37
	218	0	17	46		185	0	09	54
	217	0	11	88		186/8	0	00	98
	215	0	22	95		186/9	0	01	96
	214	0	61	38		186/10	0	03	76
	212	0	29	34		186/11	0	08	10
	211/2	0	42	39		186/12	0	00	61
	243	0	09	08	खंबारा	38/1	0	23	04
	244	0	03	21		38/2	0	13	68
	246/2	0	13	97		44/1	0	05	69
	250	0	02	47		40/2	0	05	28
	249	0	46	03		40/1	0	02	21
	253	0	18	35		45/1	0	03	53
	254/1	0	02	23		45/4	0	02	84
	258	0	46	08		45/2	0	01	71
	271	0	09	90		42/1	0	00	22
	269	0	10	71		42/2	0	01	19
	268	0	08	28		41	0	02	81
	267/1	0	12	60		46/4	0	14	14
	265	0	00	20		46/3	0	06	00
	264	0	18	16		59	0	20	70
	263	0	52	08		58	0	17	91
	262	0	04	50		62	0	09	63
	261	0	00	20		63/2	0	23	76
कुंडई	22	0	18	90		63/1	0	25	38
	24/1	0	10	08		382	0	45	39
	24/2	0	20	16		376	0	78	12
	177/2	0	00	20		374/1	0	19	80
	177/1	0	56	70		374/4	0	00	78
	177/3	0	00	20		413/3	0	35	16
	176/1	0	11	52		413/2	0	00	50
	176/4	0	04	92		416	0	93	06
	176/5	0	00	89	[फा. सं. आर-25011/46/2002/ओआर-1]				
	179/1	0	00	63	रेणुका कुमार, अवर सचिव				
	179/2	0	02	97	New Delhi, the 22nd January, 2003				
	179/3	0	06	12	S.O. 306.—Whereas it appears to the Central				
	180/1	0	10	62	Government that it is necessary in the public interest that				
	180/2	0	09	72	for the transportation of petroleum products from refineries				
	182	0	07	74	in the State of Gujarat to Kota (Bundi) in Rajasthan State				
	183/1+2	0	01	98	and Nagpur in Maharashtra State via Ratlam, Indore and				
	184/8	0	01	14	Itarsi in Madhya Pradesh State, a pipeline should be laid				
	184/10	0	00	77	by Petronet C.I. Limited.				
	184/7	0	00	20	And whereas, it appears, to the Central Government				
	184/6	0	01	13	that for the purpose of laying the said pipeline, it is				

necessary to acquire the Right of User in land under which the said pipeline is proposed to be laid and which is described in the Schedule annexed to this notification.

Now, therefore, in exercise of the powers conferred by sub-section (1) of Section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), the Central Government hereby declares its intention to acquire the right of user therein.

Any person interested in the land described in the said Schedule may within twenty one days from the date on which the copies of the notification issued under sub-section (1) of Section 3 of the said Act, as published in the Gazette of India, are made available to the general public, object in writing to the acquisition of the right of user therein or laying of the pipeline under the land to Shri B.P. Tiwari, Competent Authority, CIPL Project of Petronet C.I. Limited, 692, Sudama Nagar, Sethi Gate Sector, Indore, Madhya Pradesh.

SCHEDULE

Tehsil : Multai District : Betul State : Madhya Pradesh

Name of Village	Khasara No	Area		
		Hectare	Are	Sq. mtr.
1	2	3	4	5
Yanas	360	0	67	86
	356	0	03	44
	358	0	15	66
	359/1	0	11	16
	359/2	0	14	94
	369/1	0	12	06
	370/1	0	07	56
	385	0	02	08
	384	0	22	50
	383	0	32	40
	410	0	07	56
	406/1	0	12	60
	553	0	00	20
	554/12	0	00	90
	554/4	0	07	88
	554/17+20+21	0	08	46
	554/6	0	01	08
	554/10	0	01	40
	554/9	0	02	21
	554/8	0	04	64
	554/11	0	01	40
	554/2	0	04	20
	563/2	0	02	35
	562	0	16	02
	564	0	15	66

1	2	3	4	5
Yanas	565	0	00	43
	561	0	09	72
	572	0	19	26
	573	0	00	20
	570	0	00	20
	571	0	00	84
	603	0	15	66
	602	0	00	74
	604/2	0	00	20
	605	0	02	88
	607	0	00	20
	606/1	0	10	80
	606/2	0	00	20
	600	0	09	18
	626	0	09	90
	627	0	00	84
	631	0	38	43
	630/1	0	00	20
	630/4	0	16	74
	630/3	0	08	28
	630/2	0	03	96
Nirgud	14/3	0	00	80
	14/4	0	06	48
	14/5	0	00	60
	260	0	07	20
	263	0	00	58
	262/1	0	06	21
	262/2	0	07	20
	261	0	08	46
	275	0	34	20
	286/3	0	03	68
	286/2	0	33	75
	283/1	0	00	60
	285	0	00	20
	284/1	0	14	22
	284/2	0	08	82
	284/3	0	01	80
	281/1	0	00	20
	343/6	0	00	70
	343/7	0	09	00
	343/8	0	01	79
	344	0	06	93
	352/1	0	02	90
	352/2	0	15	30
	350/2	0	02	78
	348/2	0	12	24
	349/1	0	06	48

1	2	3	4	5	1	2	3	4	5
Nirgud (Contd.)	349/2	0	05	76	Hetikhapa (Contd.)	276/1	0	02	06
	348/1	0	13	50		278	0	31	68
	339/1	0	01	91		279	0	00	20
	313/3	0	09	18		299/1	0	18	64
	325	0	21	60		299/2	0	01	43
	326	0	33	03		300/1	0	08	64
Sukhakhedi	95	0	15	97		300/3	0	47	07
	94	0	03	02		304	0	01	87
Nagarkot	186/2	0	07	02		309	0	04	32
	187	0	15	84		336	0	09	72
	188	0	57	78		337	0	08	28
	214	0	29	34		338	0	06	48
	215	0	40	50		339	0	00	20
	218	0	37	08		341	0	10	08
	224	0	07	20		342	0	10	62
	223	0	00	20		354/1	0	00	20
	226	0	10	10		343	0	09	18
	225	0	10	10		344	0	07	20
	227	0	09	90		345	0	08	64
Mohi	238	0	24	30		346	0	08	64
	233/3	0	01	59		347	0	07	92
	233/4	0	12	96		348	0	05	04
	248/4	0	19	89	Walni	4	0	07	56
	248/2	0	15	40		23/1	0	01	50
	248/3	0	23	42		24	0	27	54
	250/2	0	00	20		21	0	45	00
	249	0	10	62		20/2	0	09	00
	250/3	0	06	12		20/3	0	06	30
	250/5	0	04	50		20/4	0	09	00
	282	0	18	72		19	0	16	20
	283/1	0	15	66		12/8	0	00	85
	284	0	32	04		12/12	0	12	24
	285	0	00	20		14	0	12	24
	276	0	22	86		175/2	0	15	12
	275/1	0	08	28		170/2	0	09	72
	300	0	23	94		169/1	0	11	34
	302	0	07	92		169/2	0	10	62
	317/3	0	11	16		169/3	0	00	60
	317/1	0	16	92		168/3	0	00	20
	316	0	60	48		168/4	0	09	18
	315/2	0	01	50		168/5	0	07	38
	407/1	0	05	76		168/6	0	05	58
Hetikhapa	251	0	34	74		257/2	0	11	70
	250	0	07	20		257/3	0	00	20
	252	0	04	32		257/7	0	12	06
	266	0	03	25		258/3	0	02	18
	265	0	12	60		258/4	0	11	52
	264	0	21	42		258/5	0	15	12
	263	0	07	20		259/1	0	29	34
	276/2	0	13	32		259/2	0	00	20

1	2	3	4	5	1	2	3	4	5
Walni (Contd.)	269/1	0	07	20		988/3	0	47	70
	269/2	0	01	50		988/5	0	18	00
	268	0	13	32		986	0	02	88
	267	0	00	20		1000	0	23	58
Paregaon	100/1	0	02	08		1001	0	05	04
	99/1	0	26	46		1008	0	07	74
	99/2	0	00	20		1018	0	18	54
	99/6	0	00	20		1017	0	14	94
	99/7	0	13	32		1016	0	11	34
	99/8	0	06	21		1015	0	00	20
	99/3	0	06	12		1014	0	09	90
	99/4	0	00	92		1032	0	19	26
	97/2	0	00	42		1031	0	22	14
	97/1	0	09	99		1030	0	19	98
	98	0	14	22		1188/1+2+3	0	25	20
	95	0	21	59		1190	0	27	72
	94	0	04	87		1249	0	28	80
	93	0	08	55		1247	0	00	20
	88	0	08	73	Hirakhapa	80/2	0	06	48
	92	0	00	20		80/1	0	14	22
	89	0	14	76		82/4	0	07	20
	90	0	01	42		82/1	0	06	66
	76	0	23	22		82/2	0	20	88
	75/1	0	16	74		82/3	0	11	16
	75/2	0	03	78		83	0	05	40
	74/1	0	02	04	Kharsali	39/1	0	04	14
	73/4	0	04	32		39/2	0	08	64
	73/5	0	00	20		39/3	0	08	64
	71/2	0	11	16		39/4	0	09	36
	70/2	0	11	34		38/1	0	07	92
	70/1	0	01	77		37	0	05	22
	204	0	08	10		34	0	17	28
	205	0	24	21		69	0	41	40
	67	0	51	12		25	0	41	31
	208	0	06	68		24/1	0	14	76
	209/1	0	04	68		24/2	0	15	30
Multai	830	0	00	70		24/3	0	13	77
	831	0	07	20		24/4	0	00	60
	832/2	0	07	20		125/1	0	04	14
	833	0	42	12		124/3	0	10	17
	838/1	0	09	90		123/1	0	10	08
	835	0	19	98		171	0	34	20
	846	0	43	56		170/1	0	44	28
	847	0	10	98		169	0	22	50
	962	0	09	90		168	0	46	44
	963/1	0	05	40		167	0	11	16
	966	0	24	30		210/4	0	14	40
	957/3	0	31	37		210/5	0	10	08
	957/4	0	01	40		210/6	0	19	53
	957/1	0	13	50		210/1	0	00	20

1	2	3	4	5	1	2	3	4	5
Thawariya	184/1	0	40	68	Kolhaiya-(Contd.)	182	0	32	76
	184/2	0	23	40		181	0	00	20
	189	0	20	70		180	0	04	89
	190	0	00	48		263	0	09	87
	174	0	44	37		264	0	32	76
	173	0	27	72	Hatnapur	124	0	05	94
	172	0	12	78		123	0	22	68
	171	0	13	14		127	0	13	50
	167/2	0	12	60		132/2	0	03	96
	169/2	0	21	78		135/4	0	50	58
Chainpur	167	0	07	20		135/8	0	11	34
	166	0	11	70	Chichanda	2	0	05	22
	164	0	50	22		3	0	10	08
	165	0	00	20		4	0	09	59
	162	0	12	78		5	0	00	20
	173	0	00	20		6	0	10	79
	177	0	26	82		7	0	06	48
	180	0	17	10		10/1	0	07	56
	184	0	18	36		11	0	08	46
	185	0	03	51		12	0	00	66
	191/1	0	02	88		13	0	03	88
	190	0	09	18		16/2	0	14	94
	189	0	07	74		17/1	0	12	06
	191/7	0	11	34		19	0	16	83
	191/8	0	09	18		20	0	14	67
	191/9	0	09	00		22	0	12	60
	191/10	0	08	28		23	0	14	49
	193	0	25	02		33	0	49	15
Malgaon	287	0	17	10		34/1	0	04	65
	288	0	23	40		34/2	0	11	21
	292	0	21	06		29/1	0	07	02
	293/1	0	07	92		29/5	0	07	11
	293/2	0	15	66		28/11	0	09	59
	298	0	35	64		40/1	0	16	20
	294	0	00	20		40/2	0	06	84
	297	0	09	00		40/3	0	07	68
	340	0	41	76		40/8	0	10	05
	343	0	12	78		40/6	0	08	64
	347/1	0	64	53		40/5	0	00	20
	345	0	02	35		252/3	0	38	52
	359/1	0	02	61		252/4	0	27	36
	361	0	28	26		252/10	0	00	20
Kolhaiya	138	0	21	06		252/9	0	00	20
	137	0	24	30		247/3	0	10	17
	123	0	28	44		247/4	0	19	08
	171/1	0	13	50		247/5	0	17	82
	172	0	42	12		246	0	16	20
	187	0	44	82		380	0	03	60
	186	0	13	14		386	0	13	77
	184	0	18	54		382/4	0	00	44

1	2	3	4	5	1	2	3	4	5
Cochanda—	382/2	0	21	90	Kundai—Contd.	179/2	0	02	97
Contd.	382/1	0	00	32		179/3	0	06	12
	382/6	0	00	60		180/1	0	10	62
	382/7	0	07	20		180/2	0	09	72
	503/1	0	44	64		182	0	07	74
	503/2	0	15	30		183/1+2	0	01	98
	503/3	0	17	64		184/8	0	01	14
	503/4	0	04	32		184/10	0	00	77
	503/5	0	04	05		184/7	0	00	20
	503/6	0	04	95		184/6	0	01	13
	503/7	0	24	84		184/18	0	02	85
	531	0	03	60		184/5	0	04	87
Malhara	225	0	75	24		184/4	0	00	37
	223	0	13	86		185	0	09	54
	219	0	18	72		186/8	0	00	98
	218	0	17	46		186/9	0	01	96
	217	0	11	88		186/10	0	03	76
	215	0	22	95		186/11	0	08	10
	214	0	61	38		186/12	0	00	61
	212	0	29	34	Khambara	38/1	0	23	04
	211/2	0	42	39		38/2	0	13	68
	243	0	09	08		44/1	0	05	69
	244	0	03	21		40/2	0	05	28
	246/2	0	13	97		40/1	0	02	21
	250	0	02	47		45/1	0	03	53
	249	0	46	03		45/4	0	02	84
	253	0	18	35		45/2	0	01	71
	254/1	0	02	23		42/1	0	00	22
	258	0	46	08		42/2	0	01	19
	271	0	09	90		41	0	02	81
	269	0	10	71		46/4	0	14	14
	268	0	08	28		46/3	0	06	00
	267/1	0	12	60		59	0	20	70
	265	0	00	20		58	0	17	91
	264	0	18	16		62	0	09	63
	263	0	52	08		63/2	0	23	76
	262	0	04	50		63/1	0	25	38
	261	0	00	20		382	0	45	39
Kundai	22	0	18	90		376	0	78	12
	24/1	0	10	08		374/1	0	19	80
	24/2	0	20	16		374/4	0	00	78
	177/2	0	00	20		413/3	0	35	16
	177/1	0	56	70		413/2	0	00	50
	177/3	0	00	20		416	0	93	06
	176/1	0	11	52					
	176/4	0	04	92					
	176/5	0	00	89					
	179/1	0	00	63					

[F. No. R-25011/46/2002/OR-I]

RENUKA KUMAR, Under Secy.

नई दिल्ली, 20 जनवरी, 2003

का. आ. 307.— केन्द्रीय सरकार को लोक हित में यह आवश्यक प्रतीत होता है कि गुजरात राज्य में विरमगाम से हरियाणा राज्य में पानीपत तक, राजस्थान राज्य में चाकसू से होकर अपरिष्कृत तेल के परिवहन के लिए इंडियन ऑयल कॉर्पोरेशन लिमिटेड द्वारा सलाया मथुरा पाइपलाइन प्रणाली के विरमगाम चाकसू, चाकसू-पानीपत और चाकसू-मथुरा सेक्शनों का संवर्द्धन क्रियान्वित करने के लिए एक पाइपलाइन बिछाई जानी चाहिए ;

और, केन्द्रीय सरकार को उक्त पाइपलाइन बिछाने के प्रयोजन के लिए यह आवश्यक प्रतीत होता है कि उस भूमि में जिसमें पाइपलाइन बिछाए जाने का प्रस्ताव है और जो इस अधिसूचना से संलग्न अनुसूची में वर्णित है, उपयोग के अधिकार का अर्जन किया जाए ;

अतः अब, केन्द्रीय सरकार, पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) की धारा 3 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, उस भूमि में उपयोग के अधिकार का अर्जन करने के अपने आशय की घोषणा करती है ;

कोई व्यक्ति जो उक्त अनुसूची में वर्णित भूमि में हितबद्ध है उस तारीख से जिसको भारत के राजपत्र में यथा प्रकाशित इस अधिसूचना की प्रतियाँ साधारण जनता को उपलब्ध करा दी जाती है, इक्कीस दिन के भीतर उसमें उपयोग के अधिकार का अर्जन करने या भूमि के नीचे पाइपलाइन बिछाने के सम्बन्ध में श्री सुनिल शर्मा सक्षम प्राधिकारी, सलाया-मथुरा पाइपलाइन (संवर्द्धन) परियोजना, इंडियन ऑयल कॉर्पोरेशन लिमिटेड, 33, मुक्तानंद नगर, गोपालपुरा बाई-पास जयपुर (राजस्थान) 302 018, को लिखित रूप में आक्षेप भेज सकेगा।

अनुसूची

तहसील: मालपुरा

ज़िला: टोंक

राज्य: राजस्थान

गाँव का नाम	खसरा संख्या	क्षेत्रफल		
		हेक्टेयर	एयर	वर्ग मीटर
1	2	3	4	5
औटोली	269	0	04	79
	270	0	00	72
	264	0	14	40
	272	0	20	07
	278	0	01	26
	293	0	36	36
	294	0	06	09
	323/7	0	03	22
	295/2	0	19	62
	297	0	02	59
	298	0	10	80
	299	0	07	74
	323/6	0	04	49
	323/5	0	12	21
	323/4	0	17	55
	302	0	01	77
	325/1	0	03	78
	686/1/2/1	0	14	49
	326	0	04	53
	687	0	14	22
	688	0	05	13
	683	0	00	96
	678	0	05	58
	679	0	06	60
	674/2	0	04	04
	675	0	12	06
	676/2	0	03	35
	671/1	0	14	00

[फा. सं. आर-25011/13/2001-ओ.आर-1]

रेनुका कुमार, अवर सचिव

New Delhi, the 20th January, 2003

S. O. 307.—Whereas, it appears to the Central Government that it is necessary in the public interest that for the transportation of Crude Oil from Viramgam in the State of Gujarat to Panipat in the State of Haryana via Chaksu in the State of Rajasthan, a pipeline may be laid by the Indian Oil Corporation Limited for implementing the "Augmentation of Viramgam-Chaksu, Chaksu-Panipat & Chaksu-Mathura sections of Salaya-Mathura pipeline System";

And, whereas, it appears to the Central Government that for the purpose of laying the said pipeline, it is necessary to acquire the right of user in the land under which the said pipeline is proposed to be laid, and which is described in the Schedule annexed to this notification;

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), the Central Government hereby declares its intention to acquire the right of user therein;

Any person interested in the land described in the said Schedule, may, within twenty one days from the date on which the copies of this notification, as published in the Gazette of India, are made available to the general public, object in writing to the acquisition of the right of user therein or laying of the pipeline under the land to Shri Sunil Sharma, Competent Authority, Salaya-Mathura Pipeline (Augmentation) Project, Indian Oil Corporation Limited, 33, Muktanand Nagar, Gopalpura Bye-Pass, Jaipur - 302018.

SCHEDULE

Tehsil : Malpura

District : Tonk

State : Rajasthan

Name of Village	Khasara No.	Area		
		Hectare	Are	Sq.mtr.
1	2	3	4	5
Antoli	269	0	04	79
	270	0	00	72
	264	0	14	40
	272	0	20	07
	278	0	01	26
	293	0	36	36
	294	0	06	09
	323/7	0	03	22
	295/2	0	19	62
	297	0	02	59
	298	0	10	80
	299	0	07	74
	323/6	0	04	49
	323/5	0	12	21
	323/4	0	17	55
	302	0	01	77
	325/1	0	03	78
	686/1/2/1	0	14	49
	326	0	04	53
	687	0	14	22
	688	0	05	13
	683	0	00	96
	678	0	05	58
	679	0	06	60
	674/2	0	04	04
	675	0	12	06
	676/2	0	03	35
	671/1	0	14	00

[No. R-25011/13/2001-O.R.-I]
RENUKA KUMAR, Under Secy.

नई दिल्ली, 21 जनवरी, 2003

का. आ. 308.— केन्द्रीय सरकार ने पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) की धारा 3 की उप-धारा (1) के अधीन भारत सरकार के पेट्रोलियम और प्राकृतिक गैस मंत्रालय की अधिसूचना सं. का. आ. 2131 तारीख 26 जून 2002 द्वारा उस अधिसूचना से उपाबद्ध अनुसूची में विनिर्दिष्ट भूमि में पाइपलाइन बिछाने के प्रयोजन के लिए उपयोग के अधिकार का अर्जन करने के लिए अपने आशय की घोषणा की थी।

और उक्त राजपत्र अधिसूचना की प्रतियाँ जनता को तारीख 24 जुलाई 2002 से 9 अगस्त 2002 तक उपलब्ध करा दी गई थी;

और सक्षम प्राधिकारी ने उक्त अधिनियम की धारा 6 की उप-धारा (1) के अधीन केन्द्रीय सरकार को रिपोर्ट दे दी है;

और केन्द्रीय सरकार ने उक्त रिपोर्ट पर विचार करने के पश्चात् इस अधिसूचना से उपाबद्ध अनुसूची में विनिर्दिष्ट भूमि में उपयोग के अधिकार का अर्जन करने का विनिश्चय किया है;

अतः, अब, केन्द्रीय सरकार उक्त अधिनियम की धारा 6 की उप-धारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, इस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमि में पाइपलाइन बिछाने के प्रयोजन के लिए उपयोग के अधिकार का अर्जन किये जाने की घोषणा करती है।

और केन्द्रीय सरकार, उक्त अधिनियम की धारा 6 की उप-धारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह निर्देश देती है कि उक्त भूमि में उपयोग का अधिकार इस घोषणा के प्रकाशन की तारीख को केन्द्रीय सरकार में निहित होने की बजाय सभी विल्लिंगमों से मुक्त, गुजरात स्टेट कॉर्पोरेशन लिमिटेड, ब्लाक नं. 15, तीसरा तल, उद्योग भवन, गाँधी नगर 382011 में निहित होगा।

अनुसूची

जिल्हा : सुरत				राज्य : गुजरात		
तालुका का नाम	गाँव का नाम	सर्वेक्षण स. / खण्ड स.	उप-खण्ड सं	क्षेत्रफल		
				हेक्टर	एयर	वर्ग मीटर
1	2	3	4	5	6	7
चौरासि	मोरा	150	3	00	24	90
		151		00	01	70
		158		00	01	50
		163		00	11	90
		171	1	00	05	30
		170		00	06	50
		169		00	07	50
		168		00	07	50
चौरासि	भटलाई	92		00	21	75

New Delhi, the 21st January, 2003

S. O. 308.—Whereas by notification of the Government of India, Ministry of Petroleum and Natural Gas S.O. 2131 dated the 26th June, 2002 under sub Section (1) of section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), the Central Government declared its intention to acquire the right of user in the land specified in the schedule annexed to that notification for the purpose of laying pipeline;

And whereas, the copies of the said Gazette notification were made available to the public from the 24th July, 2002 to 9th August 2002.

And whereas, the Competent Authority has under sub-section (1) of Section 6 of the said Act, submitted report to the Government;

And whereas the Central Government has after considering the said report decided to acquire the Right of User in the Land specified in the schedule annexed to this notification.

Now, therefore, in exercise of the powers conferred by sub-section (1) of Section 6 of the said Act, the Central Government hereby declares that the right of user in the said land specified in the schedule annexed to this notification is hereby acquired for laying the pipeline;

And further, in exercise of powers conferred by sub-section (4) of section 6 of the said Act, the Central Government directs that the right of user in the said land shall, instead of vesting in the Central Government, vest on this date of publication of this declaration, in the Gujarat State Petroleum Corporation Limited, Block No. 15, 3rd Floor, Udyog Bhavan, Gandhinagar 382011, free from all encumbrances.

Schedule

District : Surat				State : Gujarat		
Name of Taluka	Name of Village	Survey/Block No.	Sub-Division no.	Area		
				Hec	Are	Centiare
1	2	3		4	5	6
Chourasi	Mora	150	3	00	24	90
		151		00	01	70
		158		00	01	50
		163		00	11	90
		171	1	00	05	30
		170		00	06	50
		169		00	07	50
		168		00	07	50
Chourasi	Bhatlai	92		00	21	75

[No. L-14014/4/99-G.P.(Part-IV)]
SWAMY SINGH, Director

नई दिल्ली, 23 जनवरी, 2003

क्रा. आ. 309.— केन्द्रीय सरकार को लोकहित में यह आवश्यक प्रतीत होता है कि मेसर्स गैस ट्रांसपोर्टेशन एंड इन्फ्रास्ट्रक्चर कम्पनी लिमिटेड की संवर्धक कम्पनी है मेसर्स रिलाएंस इण्डस्ट्रीज के गोवा के उत्तरी दक्षिणी अपतट (ऑफशोर) में खोज ब्लाकों और आन्ध्र प्रदेश की संरचनाओं से महाराष्ट्र राज्य में सांगली/सोलापुर जिले के विभिन्न उपभोक्ताओं तक प्राकृतिक गैस के परिवहन के लिए मेसर्स गैस ट्रांसपोर्टेशन एंड इन्फ्रास्ट्रक्चर कम्पनी लिमिटेड द्वारा एक पाइपलाइन बिछाई जानी चाहिए ;

और अब केन्द्रीय सरकार ने भारत सरकार के पेट्रोलियम और प्राकृतिक गैस मंत्रालय की अधिसूचना सं. क्रा. आ. 2127 तारीख 25 जून 2002 द्वारा जो भारत के राजपत्र भाग 2, खण्ड 3, उपखण्ड (ii) तारीख 29 जून 2002 में प्रकाशित की गई थी भूमि में उपयोग के अधिकार का अर्जन करने के अपने आशय की घोषणा की है ;

और केन्द्रीय सरकार को ऐसी पाइपलाइन बिछाने के प्रयोजन के लिए यह आवश्यक प्रतीत होता है कि उस भूमि में, जिसके भीतर उक्त पाइपलाइन बिछाने का प्रस्ताव है और जो इस अधिसूचना से संलग्न अनुसूची में वर्णित है, उपयोग के अधिकार का अर्जन किया जाए ;

अतः, अब, केन्द्रीय सरकार, पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) की धारा 3 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, उसमें उपयोग के अधिकार का अर्जन करने के अपने आशय की घोषणा करती है ;

कोई व्यक्ति जो उक्त अनुसूची में वर्णित भूमि में हितबद्ध है, उस तारीख से जिसको उक्त अधिनियम की धारा 3 की उपधारा (1) के अधीन जारी इस अधिसूचना की प्रतियां साधारण जनता को उपलब्ध करा दी जाती हैं, इक्कीस दिन के भीतर भूमि के नीचे पाइपलाइन बिछाई जाने के लिए श्री डी. एस. धोत्रे, सक्षम प्राधिकारी, गैस ट्रांसपोर्टेशन एण्ड इन्फ्रास्ट्रक्चर कम्पनी लिमिटेड, पाइपलाइन परियोजना, प्लॉट सं. 11 और 12 सर्वोदय नगर, विजापुर रोड, सोलापुर-413004, महाराष्ट्र राज्य को लिखित रूप में आक्षेप भेज सकेगा।

अनुसूची

तहसील : भिरुज		जिल्हा : सांगली	राज्य : महाराष्ट्र		
गांव का नाम	गट नंबर		एरिया		
			हेक्टर	एर	सि-एर
1	2		3	4	5
1) बेडग	411		0	29	42
2) व्यंकोचीवाडी	283		0	21	98

[फा. सं. एल.-14014/31/2002-जी.पी.]

स्वामी सिंह, निदेशक

New Delhi, the 23rd January, 2003

S. O. 309.— Whereas it appears to the Central Government that it is necessary in the public interest that for the transportation of the natural gas from the exploration blocks in the Northern/Southern Offshore of Goa and structure in Andhra Pradesh of M/s Reliance Industries Limited, the promoter company of M/s Gas Transportation and Infrastructure Company Limited to the various consumers of District Sangli/Solapur in the State of Maharashtra, a pipeline should be laid by M/s Gas Transportation and Infrastructure Company Limited;

And whereas the Central Government has declared its intention to acquire the right of user vide notification of the Government of India in the Ministry of Petroleum and Natural Gas number S.O. 2127 dated 25th June 2002, published in Part II, Section 3, sub-section (ii) of the Gazette of India dated the 29th June 2002;

And whereas it appears to the Central Government that for the purpose of laying such pipeline, it is necessary to acquire the right of user in land under which the said pipeline is proposed to be laid and which is described in the Schedule annexed to this notification;

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), the Central Government hereby declares its intention to acquire the right of user therein;

Any person interested in the land described in the said Schedule may, within twenty-one days from the date on which the copies of the notification issued under sub-section (1) of section 3 of the said Act, are made available to the general public, object in writing to the pipeline under the land to Shri D.S.Dhotre, Competent Authority GTICL Pipeline Project, Plot No. 11 and 12 Sarvodaya Nagar, Vijapur Road, Solapur, Maharashtra State, Pin- 413 004.

SCHEDULE

Tahsil : Mira]		District : Sangali		State: Maharashtra		
Name of the Village	Gat. No			Area of ROU		
				Hectare	Are	C-Are
1	2			3	4	5
(1) Bedag	411			0	29	42
(2) Vyankochiwadi	283			0	21	98

[No. L-14014/31/2002-G.P.]
SWAMY SINGH, Director

नई दिल्ली, 23 जनवरी, 2003

का. आ. 310.— केन्द्रीय सरकार को लोकहित में यह आवश्यक प्रतीत होता है कि मेसर्स गैस ट्रांसपोर्टेशन एंड इन्फ्रास्ट्रक्चर कम्पनी लिमिटेड की संवर्धक कम्पनी मेसर्स रिलाएंस इण्डस्ट्रीज के गोवा के उत्तरी दक्षिणी अपतट (ऑफसोर) में खोज ब्लाकों और आन्ध्र प्रदेश की संरचनाओं से महाराष्ट्र राज्य में सांगली/सोलापुर जिले के विभिन्न उपभोक्ताओं तक प्राकृतिक गैस के परिवहन के लिए मेसर्स गैस ट्रांसपोर्टेशन एंड इन्फ्रास्ट्रक्चर कम्पनी लिमिटेड द्वारा एक पाइपलाइन बिछाई जानी चाहिए ;

और अब केन्द्रीय सरकार ने भारत सरकार के पेट्रोलियम और प्राकृतिक गैस मंत्रालय की अधिसूचना सं. का. आ. 2129 तारीख 25 जून 2002 द्वारा जो भारत के राजपत्र, भाग 2, खण्ड 3, उपखण्ड (ii) तारीख 29 जून 2002 में प्रकाशित की गई थी भूमि में उपयोग के अधिकार का अर्जन करने के अपने आशय की घोषणा की है ;

और केन्द्रीय सरकार को ऐसी पाइपलाइन बिछाने के प्रयोजन के लिए यह आवश्यक प्रतीत होता है कि उस भूमि में, जिसके भीतर उक्त पाइपलाइन बिछाने का प्रस्ताव है और जो इस अधिसूचना से उपाबद्ध अनुसूची में वर्णित है, उपयोग के अधिकार का अर्जन किया जाए ;

अतः, अब, केन्द्रीय सरकार, पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) की धारा 3 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, उसमें उपयोग के अधिकार का अर्जन करने के अपने आशय की घोषणा करती है ;

कोई व्यक्ति जो उक्त अनुसूची में वर्णित भूमि में हितबद्ध है उस तारीख से जिसको उक्त अधिनियम की धारा 3 की उपधारा (1) के अधीन जारी इस अधिसूचना की प्रतियां साधारण जनता को उपलब्ध करा दी जाती हैं, इक्कीस दिन के भीतर भूमि के नीचे पाइपलाइन बिछाई जाने के लिए श्री डी. एस. धोत्रे, सक्षम प्राधिकारी, गैस ट्रांसपोर्टेशन एंड इन्फ्रास्ट्रक्चर कम्पनी लिमिटेड, पाइपलाइन परियोजना, प्लॉट सं. 11 और 12 सर्वोदय नगर, विजापुर रोड, सोलापुर-413004, महाराष्ट्र राज्य को लिखित रूप में आक्षेप भेज सकेगा।

अनुसूची

तहसिल: जत जिल्हा : सांगली

राज्य : महाराष्ट्र

गांव का नाम	सर्वे नंबर	सब-डिविजन	गट नंबर	सब-डिविजन		एरिया	
		नंबर		नंबर	हेक्टर	एर	सि-एर
1	2	3	4	5	6	7	8
1) डफळपूर	106				0	46	88
	111	2			0	46	6
	52				0	0	42
2) वाषाण			134		0	2	0
			137		0	22	50
			138		0	36	45
3) निगडी (खुंदे)			2		0	42	9

[फा. सं. एल.-14014/32/2002-जी.पी.]

स्वामी सिंह, निदेशक

New Delhi, the 23rd January, 2003

S. O. 310.—Whereas it appears to the Central Government that it is necessary in the public interest that for the transportation of the natural gas from the exploration blocks in the Northern/Southern Offshore of Goa and structure in Andhra Pradesh of M/s Reliance Industries Limited, the promoter company of M/s Gas Transportation and Infrastructure Company Limited to the various consumers of District Sangli/Solapur in the State of Maharashtra, a pipeline should be laid by M/s Gas Transportation and Infrastructure Company Limited;

And whereas the Central Government has declared its intention to acquire the right of user vide notification of the Government of India in the Ministry of Petroleum and Natural Gas number S.O. 2129 dated 25th June 2002, published in Part II, Section 3, sub-section (ii) of the Gazette of India dated the 29th June 2002;

And whereas it appears to the Central Government that for the purpose of laying such pipeline, it is necessary to acquire the right of user (ROU) in land under which the said pipeline is proposed to be laid and which is described in the Schedule annexed to this notification;

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), the Central Government hereby declares its intention to acquire the right of user therein;

Any person interested in the land described in the said Schedule may, within twenty-one days from the date on which the copies of the notification issued under sub-section (1) of section 3 of the said Act, are made available to the general public, object in writing to the pipeline under the land to Shri D.S.Dhotre, Competent Authority GTICL Pipeline Project, Plot No. 11 and 12 Sarvodaya Nagar, Vijapur Road, Solapur, Maharashtra State, Pin- 413 004.

SCHEDULE

Tahsil : Jath		District : Sangali			State: Maharashtra		
Name of the Village	Survey No.	Sub-Dn. No.	Gat. No.	Sub-Dn. No.	Area of ROU		
1	2	3	4	5	Hectare	Are	C-Are
(1) Daphalapur	106				0	46	88
	111	2			0	46	6
	52				0	0	42
(2) Washan			134		0	2	0
			137		0	22	50
			138		0	36	45
(3) Nigdi (Kh)			2		0	42	9

[No. L-14014/32/2002-G.P.]
SWAMY SINGH, Director

नई दिल्ली, 23 जनवरी, 2003

का. आ. 311.— केन्द्रीय सरकार, पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) की धारा 3 की उपधारा (1) के द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, भारत के राजपत्र, भाग 2, खंड 3, उपखंड (ii) तारीख 29 जून, 2002 में पृष्ठ 6320 से 6349 पर प्रकाशित सरकार के पेट्रोलियम और प्राकृतिक गैस मंत्रालय की अधिसूचना सं. का. आ. 2129 तारीख 25 जून 2002 में निम्नलिखित संशोधन करती है, अर्थात् : —

उक्त अधिसूचना की अनुसूची में,

1. (i) पृष्ठ 6322 पर स्तंभ 1 के "डफलापूर" गांव के सामने सड़क सर्वे सं. "110" के सामने स्तंभ 6, 7 और 8 के "0-6-49" क्षेत्र के स्थान पर "0-7-44" क्षेत्र रखा जाएगा, ;
- (ii) पृष्ठ 6322 पर स्तंभ 1 में "डफलापूर" गांव के सामने सर्वे सं. "107/2" के सामने स्तंभ 6, 7 और 8 के "0-13-87" क्षेत्र के स्थान पर "0-18-30" क्षेत्र रखा जाएगा, ;
- (iii) पृष्ठ 6322 पर स्तंभ 1 में "डफलापूर" गांव के सामने सर्वे सं. "107/1" के सामने स्तंभ 6, 7 और 8 के "0-0-55" क्षेत्र के स्थान पर "0-21-63" क्षेत्र रखा जाएगा, ;
- (iv) पृष्ठ 6322 पर स्तंभ 1 में "डफलापूर" गांव के सामने सर्वे सं. "111/1" के सामने स्तंभ 6, 7 और 8 के "0-15-74" क्षेत्र के स्थान पर "0-28-93" क्षेत्र रखा जाएगा, ;
- (v) पृष्ठ 6322 पर स्तंभ 1 में "डफलापूर" गांव के सामने सर्वे सं. "41/1" के सामने स्तंभ 6, 7 और 8 के "0-26-55" क्षेत्र के स्थान पर "0-30-52" क्षेत्र रखा जाएगा, ;

2. पृष्ठ 6324 पर स्तंभ 1 में "वाशाण" गांव के सामने गट सं. "133" के सामने स्तंभ 6, 7 और 8 के "1-1-95" क्षेत्र के स्थान पर "1-43-40" क्षेत्र रखा जाएगा, ;
3. पृष्ठ 6324 पर स्तंभ 1 में "कंठी गांव के सामने गट सं. "560" के सामने स्तंभ 6, 7 और 8 के "0-6-55" क्षेत्र के स्थान पर "0-22-50" क्षेत्र रखा जाएगा, ;
4. पृष्ठ 6333 पर गांव "उटगौ" के सामने स्तंभ 2 की पहली पंक्ति पर "कालवा स. नं. 140 में" शब्द, अक्षर और अंक के स्थान पर "क. सं. 140 में पाझर तलाव का नाला" शब्द, अक्षर और अंक रखे जाएंगे, ;

[फा. सं. एल.-14014/32/2002-जी.पी.]

स्वामी सिंह, निदेशक

(स्वाभौ सिंहर)

New Delhi, the 23rd January, 2003

S. O. 311.— In exercise of the powers conferred by sub-section (1) of section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), the Central Government hereby makes the following amendment in the notification of the Government of India in the Ministry of Petroleum and Natural Gas number S.O 2129, dated the 25th June 2002 published at pages 6335 to 6349 in Part II, section 3, sub-section (ii) of the Gazette of India, dated the 29th June 2002 namely:-

In the Schedule to the said notification:-

- 1 (i) at page 6337 against village "Daphalapur" in column No.1, Road in Survey No. "110" in column No.2, for the area "0-6-49" in column No.6,7 and 8 the area "0-7-44" shall be substituted.
- (ii) at page 6337 against village "Daphalapur" in column No.1, S.No."107/2" in column No. 2, for the area "0-13-87" in column No.6,7 and 8 the area "0-18-30" shall be substituted.
- (iii) at page 6337 against village "Daphalapur" in column No.1, S.No. "107/1" in column No.2, for the area "0-0-55" in column No.6,7 and 8 the area "0-21-63" shall be substituted.
- (iv) at page 6337 against village "Daphalapur" in column No.1, S.No. "111/1" in column No.2, for the area "0-15-74" in column No.6,7 and 8 the area "0-28-93" shall be substituted.
- (v) at page 6337 against village "Daphalapur" in column No.1, S.No. "41/1" in column No.2, for the area "0-26-55" in column No.6,7 and 8 the area "0-30-52" shall be substituted.
2. at page 6339 against village "Washan" in column No.1, Gat No."133" in column No.2, for the area "1-1-95" in column No. 6,7 and 8 the area "1-43-40" shall be substituted;

3. at page 6339 against village "Kanthi" in column No.1, Gat No. "560" in column No.2, for the area "0-6-55" in column No.6,7 and 8 the area "0-22-50" shall be substituted. ✶
4. at page 6347 against village "Utagi" in line No.23 in column No.2 "Canal in Survey No.140" read as "Nala of P.T. in S. No.140"

[No. L-14014/32/2002-G.P.]
SWAMY SINGH, Director

नई दिल्ली, 23 जनवरी, 2003

का. आ. 312.—केन्द्रीय सरकार को लोकहित में यह आवश्यक प्रतीत होता है कि जामनगर—भोपाल पाइपलाइन परियोजना को कार्यान्वित करने के लिए गुजरात राज्य में जामनगर से मध्यप्रदेश राज्य में भोपाल तक पुनः गैसीकृत द्रवित प्राकृतिक गैस के परिवहन के लिए गैस ट्रांसपोर्टेशन एंड इन्फ्रास्ट्रक्चर कंपनी लिमिटेड द्वारा पाइपलाइन बिछाई जानी चाहिए ;

और केन्द्रीय सरकार ने उपयोग के अधिकार के अर्जन करने के अपने आशय की घोषणा, भारत सरकार के पेट्रोलियम और प्राकृतिक गैस मंत्रालय की अधिसूचना सं. का. आ. 300 तारीख 31 जनवरी, 2002, और का. आ. 1581 तारीख 06 मई, 2002 द्वारा क्रमशः भारत के राजपत्र, भाग 2, खण्ड 3, उप खण्ड (ii) तारीख 2 फरवरी, 2002, और 11 मई, 2002 में प्रकाशित की थी ;

और केन्द्रीय सरकार को उक्त पाइपलाइन बिछाने के प्रयोजन के लिए यह आवश्यक प्रतीत होता है कि उस भूमि में जिसके भीतर उक्त पाइपलाइन बिछाई जाने का प्रस्ताव है और जो इस अधिसूचना से उपाबद्ध अनुसूची में वर्णित है, उपयोग के अधिकार का अर्जन किया जाए ;

अतः, अब, केन्द्रीय सरकार, पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) की धारा 3 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, उसमें उपयोग के अधिकार का अर्जन करने के अपने आशय की घोषणा करती है ;

कोई व्यक्ति, जो उक्त अनुसूची में वर्णित भूमि में हितबद्ध है, उस तारीख से, जिसको उक्त अधिनियम की धारा 3 की उपधारा (1) के अधीन भारत के राजपत्र में यथा प्रकाशित इन अधिसूचनाओं की प्रतियां साधारण जनता को उपलब्ध करा दी जाती हैं, इक्कीस दिन के भीतर, भूमि के भीतर पाइपलाइन बिछाई जाने के लिए उपयोग के अधिकार के अर्जन के संबंध में श्री ए. के. संघवी, सक्षम प्राधिकारी, गैस ट्रांसपोर्टेशन एंड इन्फ्रास्ट्रक्चर कंपनी लिमिटेड, पाइपलाइन परियोजना, 102-103, 'शिवम', 9 पटेल कालोनी, पंडित नेहरू मार्ग, जामनगर 361 008, गुजरात को लिखित रूप में आक्षेप भेज सकेगा।

अनुसूचि**तालुका:- वढवाण****ज़िला:- सरेंद्रनगर****राज्य:- गुजरात**

गांव का नाम	सर्वेक्षण संख्या / खंड संख्या	क्षेत्रफल		
		हेक्टर	एअर	सेन्टीएअर
1	2	3	4	5
1 : स्वरवा	386/P	0	31	80
	386/P	0	33	70
	385	0	01	10
	387/P	0	21	90
	387/P	0	21	90
	253/P	0	18	90
	253/P	0	18	90

[फा. सं. एल.-14014/7/2002-जी.पी.]

स्वामी सिंह, निदेशक

New Delhi, the 23rd January, 2003

S. O. 312.—Whereas it appears to the Central Government that it is necessary in the public interest that for the transportation of the regassified liquefied natural gas from Jamnagar in the State of Gujarat to Bhopal in the State of Madhya Pradesh, a pipeline should be laid by Gas Transportation and Infrastructure Company Limited for implementing Jamnagar-Bhopal pipeline project;

And whereas the Central Government has declared its intention to acquire the Right of Use vide Notification of the Government of India in the Ministry of Petroleum and Natural Gas number S.O. 300 dated the 31st January 2002 and S.O. 1581 dated the 6th May 2002, published in Part II Section 3, subsection (ii) of the Gazette of India dated 2nd February, 2002 and 11th May, 2002 respectively;

And whereas it appears to the Central Government that for the purpose of laying the said pipeline, it is necessary to acquire the right of user in land under which the said pipeline is proposed to be laid and which is described in the Schedule annexed to this notification;

Now, therefore, in exercise of the powers conferred by sub-section (1) of Section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), the Central Government hereby declares its intention to acquire the right of user therein;

Any person, interested in the land described in the said Schedule may, within twenty-one days from the date on which the copies of the notification, issued under sub-section (1) of section (3) of the said Act, are made available to the general public, object in writing to the laying of the pipeline under the land to Shri A.K. Sanghavi, Competent Authority, Gas Transportation and Infrastructure Company Limited Pipeline Project, 102-103, Shivam, 9 Patel Colony, Pandit Nehru Marg, Jamnagar-361 008, Gujarat

SCHEDULE

Taluka :- Wadhwan

District :- Surendranagar

State :- Gujarat

Name of Village	Survey No. / Block No.	Area		
		Hectare	Are	Centare
1	2	3	4	5
1 : Kharawa	386/P	0	31	80
	386/P	0	33	70
	385	0	01	10
	387/P	0	21	90
	387/P	0	21	90
	253/P	0	18	90
	253/P	0	18	90

[No. L-14014/7/2002-G.P.]
SWAMY SINGH, Director

नई दिल्ली, 23 जनवरी, 2003

का. आ. 313.— केन्द्रीय सरकार, पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) की धारा 3 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, भारत के राजपत्र, भाग 2, खंड 3, उपखंड (ii) तारीख 31 जनवरी 2002 में पृष्ठ 1052 से 1067, और तारीख 06 मई, 2002 में पृष्ठ 4550 पर प्रकाशित भारत सरकार के पेट्रोलियम और प्राकृतिक गैस मंत्रालय की अधिसूचना सं. क्रमशः का. आ. 300 तारीख 2 फरवरी, 2002 और संख्या का. आ. 1581 तारीख 11 मई, 2002 में निम्नलिखित संशोधन करती है, अर्थात् :-

उक्त अधिसूचना सं. का. 300 तारीख 31 जनवरी, 2002 की अनुसूची में -

पृष्ठ 1060 पर, स्तंभ (1) में "सोनगढ़" गांव के सामने स्तंभ 2 में सर्वे सं. "78/1P" के सामने स्तंभ 3,4 और 5 के क्षेत्रफल "0-09-90" के स्थान पर क्षेत्रफल "1-09-90" रखा जाएगा. ;

[फा. सं. एल.-14014/7/2002-जी.पी.]
स्वामी सिंह, निदेशक

New Delhi, the 23rd January, 2003

S. O. 313.— In exercise of the powers conferred by sub-section (1) of section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), the Central Government hereby makes the following amendment in the notification of the Government of India in the Ministry of Petroleum and Natural Gas S.O 300, dated the 31st January 2002 published at pages 1067 to 1082 and S.O 1581 dated the 6th May 2002 published at page 4551 in Part II, section 3, sub-section (ii) of the Gazette of India, dated the 2nd February 2002 and 11th May 2002 respectively, namely:-

In the Schedule to the said notification- S.O. 300 dated the 31st January 2002,-

At page 1075 against village "Songadh" in column No.1, survey No. "78/1P" in column 2, for the area "0-09-90" in column 3,4 and 5, the area "1-09-90" shall be substituted.

[No. L-14014/7/2002-G.P.]
SWAMY SINGH, Director

श्रम मंत्रालय

नई दिल्ली, 23 दिसम्बर, 2002

का. आ. 314.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, हिन्दुस्तान पेट्रोलियम कार्पो. लि. के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, मुंबई -2 के पंचाट (संदर्भ संख्या 48/2001) को प्रकाशित करती है, जो केन्द्रीय सरकार को 23-12-2002 को प्राप्त हुआ था।

[सं. जैड-13012/2/2001-आई. आर. (एम)]

बी. एम. डेविड, अवर सचिव

MINISTRY OF LABOUR

New Delhi, the 23rd December, 2002

S.O. 314.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 48/2001) of the Central Government Industrial Tribunal, cum-Labour Court, Mumbai No.2 as shown in the Annexure in the industrial dispute between the employers in relation to the management of Hindustan Petroleum Corpn. Ltd. and their workman, which was received by the Central Government on 23-12-2002.

[No. Z-13012/2/2001-IR(M)]

B. M. DAVID, Under Secy.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL
TRIBUNAL NO. II MUMBAI

PRESENT

S. N. SAUNDANKAR

Presiding Officer

REFERENCE NO. CGIT-2/48 OF 2001

EMPLOYERS IN RELATION TO THE MANAGEMENT
OF HINDUSTAN PETROLEUM CORPORATION LTD.,

The Chairman and Managing Director,
Hindustan Petroleum Corporation Ltd.,
Petroleum House, 6th Floor,
No. 17, Jamshedji Tata Road,
Churchgate, Mumbai 400020.

AND**THEIR WORKMEN**

Petroleum Employees Union,
Tel-Rasayan Bhawan,
Tilak Road, Dadar
Mumbai 400014.

APPEARANCES:

For the Employer : Mr. M. M. Verma/ Mr. B. D. Birajdar
Advocate.

For the Workmen : Mr. Jaiprakash Sawant Advocate.

Mumbai, Dated 1st November 2002

AWARD-PART-II

By the Interim Award dtd. 14-9-01 this Tribunal held that domestic inquiry conducted against the workman was against the Principles of Natural Justice and findings recorded by the inquiry officer are perverse, therefore the management was given an opportunity to lead evidence to justify its action. Management by its order terminated the services of the workman w.e.f 19-1-01 based on the findings on the chargesheet dtd. 12-8-98 and that in view of the above position the management has to prove those charges before this Tribunal.

2. Workman pleaded that he is union activist since beginning and elected General Secretary (Refinery) of the Petroleum Employees Union since 1991. He averred that as a Union Secretary he had to attend cases of the union in various courts/tribunals/authorities and that he attend the said work without seeking any favour from the management. He is suffering from Bronchitis/ Asthma and consequently in the morning he gets attack often due to pollution in Mumbai resulting he was late in attending his work. He contended that he was never absent or went late deliberately and that by doing extra work he was compensating the work for which he reached late. Workman averred that when he was not keeping well he used to submit medical certificate to the Company Manager and that his leave was regularised from time to time. He pleaded that he never remained absent unauthorisedly nor attended the duty late frequently without prior appeal of the superiors and that he was performing his routine jobs on the instructions of his superiors, with due care and caution however in spite of this it is contended workman being union activist to victimise management issued him chargesheet dtd. 12-8-98 and holding him responsible for the charges levelled in the said chargesheet he has been illegally dismissed. He pleaded that action of the management is an unfair labour practice therefore his dismissal being illegal management be directed to reinstate him with full back wages.

3. Management Corporation opposed the said contention of workman by filing Written Statement (Exhibit-17) contending that the workman a Boiler technician was required to be punctual however workman was most irregular and non-punctual in his duties he remained unauthorisedly absent and because of his erratic attendance he was creating innumerable problems in running the sensitive section of Boiler. It is averred that the workman is primarily responsible for the discharge of his duties, he should be faithful to his employment than to carry on his trade union activities, however he was more interested in his trade, union activities than the responsibility of discharging his duties in the refinery. It is pleaded workman used to come late without seeking permission/intimation

of his immediate superiors. He was unauthorisedly absent and that he was neglecting the work by holding meetings of the contract labourers for which he was orally warned but, he did not mend his conduct therefore in the interest of maintaining discipline he was issued chargesheet and that the charges since proved he was terminated as found not capable for working in the Boiler Section a sensitive section. It is contended action of the management being legal and justified claim of the workman be dismissed with costs in limine.

4. As stated above since the domestic inquiry held vitiates issue Nos. 3 & 4 with regard to the action of the management left for the consideration of this Tribunal on the basis of the evidence led before it. Management to prove the action filed affidavits in lieu of Examination in Chief of Senior Superintendents in the Refinery Mr. Arun Kumar Gupta, Mr. Anil Devidas Jagtap, Manager-Boiler House Mr. Ramesh Mehta, Deputy Manager-Boiler House Mr. Appa Rao, Chief Manager Mr. Agarwal, Deputy Manager Dr. Subhash Nikale, Manager Housing Complex Mr. Vinayaka Rao and Deputy Gen. Manager (HR) Mr. A.G. Pathrose vide (Exhibit-37, 39, 40, 42, 45, 46, 47, 49) and management closed oral evidence vide purshis (Exhibit-50). In rebuttal, workman filed affidavit in lieu of Examination-in-Chief (Exhibit-52) and closed oral evidence vide purshis (Ex-56).

5. Management filed written submissions (Exhibit-59) with copies of rulings (Ex-64) and the workman (Ex-51/61) On perusing the record as a whole, written submissions and hearing the Learned Counsels. I record my findings on the following issues for the reasons mentioned below:—

Issues

1. Whether the action of the management of Hindustan Petroleum Corporation Ltd., Mumbai in terminating the services of Shri D.N. Vidhate, Employees No. 802345 Senior Boiler Technician, Boiler House-FR, Mumbai refinery w.e.f. 19-1-2001 is legal and proper?
2. What relief Shri D.N. Vidhate is entitled to?

Findings

No.

REASONS:

6. Management vide chargesheet dtd. 12-8-98 charged the workman for the following allegations viz:—

- (1) habitual absence without permission. He remained absent for about 95 days during the period from January 1998 to July 1998 without prior approval/ intimation to his superiors of which about 45 days were at loss of pay, after availing entire leave of his credit.
- (2) lat attendance on more than four occasions in a calendar month. He was going late for duty frequently on number of occasions by 2-3 hours and for leaving the work place early particularly during the day shifts without prior approval of the superiors.

- (3) Habitual or gross neglect of work or habitual or gross negligence. He was not performing his routine jobs while on duty on his own but performing the few jobs only on the instructions of the superiors causing difficulties for the department in maintaining shift schedules as unit is operating on the basis of man to man relieving system and adversely affecting the work schedules and production of the department.

Let us now scrutinise the evidence on record in the light of the charges referred to above.

7. Before switch on the evidence it is relevant to note that workman at the time of dismissal was working as Boiler technician who requires specialised qualifications in a skilled category whose duties cannot be performed by any other worker and that job of technician is very responsible related to Boiler. So far first charge on habitual absence without permission is concerned, Mr. Mehta, Manager-Boiler house who was supervising the Boiler—House disclosed that workman was working in the Boiler-house is a sensitive area and that operations carried out there are of utmost importance as safety of the plant is equally important. He stated that duty required to be performed by the Boiler attendant is of constant watching and attention to see that the Boiler functions within prescribed norms. According to him, any dereliction in proper watching of the performance of the Boiler could result in hazardous reaction and added that the attention of the Boiler attendant during working hours should be only on the Boiler which should not be diverted to anything else and therefore punctuality and attendance of the technician is a paramount matter. He pointed out that absentism in such a sensitive area of Boiler create difficulties as the previous shift worker is required to be asked to continue in the next shift on overtime basis. Workman in his cross-examination para 18 clearly admitted that his duty as Boiler attendant was of essential nature. According to Mr. Vinayaka Rao workman remained unauthorisedly absent for 45 days without sanction of leave, he had availed almost all leave available to his credit. He has given details on the said absence vide Annexure enclosed to his affidavit which has gone unchallenged. This annexure mentions in the month of April, 98-3 days, May, 98-15 days, June, 98-15 days, July, 98-12 days total 45 days he remained absent which workman admits in his cross Examination para 18 workman further admits salary of those absent 45 days was deducted from his gross salary. According to workman that absence was treated as leave without pay though he had given medical certificates. However, he does not possess documentary evidence to that effect. Company's medical officer Dr. Nikale pointed out that during the period January '98 to July '98 workman had submitted two medical certificates dtd. 25-2-98, 24-6-98 issued by Dr. Kelkar and after examining him he had issued fitness certificate dtd. 28-2-98 and 25-6-98. Workman admits employee has to

apply to avail leave and after issuing certificate by the Company doctor only company allows that employee to resume on duty. According to workman he had given 8-10 medical certificates during the period January 1998 to July 1998 and that his leave was regularised. However except two medical certificates nothing on record to show that his leave was regularised which indicative to show that he was absent unauthorisedly for the days referred to above. Company's Senior Superintendents Mr. Gupta and Mr. Jagtap, Manager-Mehta clearly pointed out that sudden absentism of the workman in the sensitive area of Boiler was creating difficulties. Thus from the admissions of the workman himself it is apparent that he was unauthorisedly absent for 45 days and looking to the nature of work he was to perform, certainly his absence was bound to create difficulty, as disclosed by the management witnesses.

8. So far the second charge about late attendance on more than four occasions in a month is concerned, Manager, Mr. Vinayaka Rao clearly depicted in the annexure as to how many times workman attended late and left the company early by giving details of timings which amply corroborated by the Senior Superintendents Mr. Gupta and Jagtap. No doubt according to them workman used to apprise about his late coming to the section. It is in the evidence of Deputy Manager Mr. A. N. V. Appa Rao and Chief Manager Mr. Agarwal that workman was not punctual for which he was warned orally but did not improve. According to workman he was attending duty late due to his asthmatic trouble especially in the morning shift which finds place in the Statement of Claim as well as in para 5 of his affidavit. Company's Dr. Nikale is not aware on the illness of workman as disclosed by him nor workman has taken any pains to lead evidence to that effect. His admission on late attendance amply corroborate the late attendance depicted in Annexure with (Ex-47). It is the contention of workman that he being a General Secretary of the Union was to attend meetings/courts/authorities, he is a social worker looking after housing society and therefore he was not regular. This evidence supports the contention of the management that he was attending the section late and leaving early. Considering the duties mentioned in the format enclosed with (Exhibit-37) which is admittedly of essential nature hardly can be said that it was tolerable in a high risk zone, where, admittedly in the year 1995 and 1997 accidents took place.

9. So far neglect of work/gross negligence of work is concerned according to Gupta and Jagtap workman was holding meeting with contract workers at the work place during the working hours thereby neglecting the work. Deputy General Manager (HR) Mr. Pathrose also deposed to the effect that due to meetings workman was creating unsafe conditions within the refinery. However they all by way of cross-examination admitted that no outsider is allowed without permission at the working place. Deputy

Manager Mr. Appa Rao clearly admitted in his cross-examination para 6 and further Manager Mr. Mehta also admits that workman was not calling any outsider in the company premises and that there was no complaint against the workman on his work. When industry was in high risk zone and no outsider is allowed, it is difficult to believe that workman by holding meetings was neglecting his duties. If at all workman neglected his duties his superiors examined on record would have made complaint against him however, nothing of the sort on record. Management thus fails to prove that he was negligent in his duties thereby the third charge fails.

10. Management thus proves that workman was remaining absent without permission and that he was reporting late. Now point crops on whether punishment of dismissal warrants for the said acts. The Learned Counsel for the management Mr. Verma urged with force that considering the nature of work where punctuality of the person at the site of Boiler is of paramount importance where workman is required to be a model employee and not to act like a general clerk, remains absent suddenly and reports on duty late amounts to gross neglect a misconduct under clause-28 of the Standing Order applicable to the Corporation employees which needs to be viewed seriously from the safety point of view of the industry and therefore the punishment imposed is justified. He has pointed out the definition of 'neglect' in the Law Lexicon which states as under.—

"A failure to do what is required; omission, forbearance to do anything that can be done or that requires to be done; the omission to do or perform some work, duty or act; the omission or disregard of some duty, the omission from carelessness to do something that can be done, and that ought to be done; the omission or forbearance to do a thing that can be done or that is required to be done; negligence. Neglect to do a thing means to omit to do a duty which the party is able to do."

11. 'Misconduct' as defined in P. Ramanathan Aiyar's Law Lexicon, Reprint Edition 1987, page. 821 is as follows:—

"The term misconduct implies a wrongful intention, and nor a mere error judgment. Misconduct is not necessarily the same thing as conduct involving moral turpitude. The word misconduct is a relative term, and has to be construed with reference to the subject matter and the context wherein the term occurs, having regard to the scope of the Act or statute which is being construed. Misconduct literally means wrong conduct or improper conduct. In usual parlance misconduct means a transgression of some established and definite rule of action, where no discretion is left, except what necessity may demand and carelessness, negligence and unskillfulness are transgressions of some established

but indefinite, rule of action, where some discretion is necessarily left to the actor. Misconduct is a violation of definite law; carelessness or abuse of discretion under an indefinite law. Misconduct is a forbidden act; carelessness, a forbidden quality of an act, and is necessarily indefinite. Misconduct in office may be defined as unlawful behaviour or neglect by a public officer, by which the rights of a party have been affected."

12. The Learned Counsel for the union Mr. Sawant submits that the penalty imposed must be commensurate with the gravity of the offence charged and that discretion conferred by Section 11A on the Tribunal is to be exercised considering the case as a whole. He urged with force that workman is union activist, elected General Secretary of the Departmental union since 1991, inviting attention to the Statement of claim wherein depicted on the cases filed by the union and against the union in the various courts, tribunals and authorities, fought battle on behalf of the union and therefore late attendance, absence on duty is that way redundant and looked from this point of view, workman did not commit any 'misconduct' and in this view urged that he has been victimised adopting unfair labour practice. At this juncture Mr. Verma submitted that company can function without the union but the union cannot function with the company. All the employees of the company have been selected and appointed only to perform duties connected with the company affairs, respective posts and the salaries are affixed with reference to the nature of the duties performed by them and not for his absorption in the trade union activities. He submits, workman is first servant of the company and then leader of the union. He has relied on the decision in *M/s. Blue Star Ltd. V/s. Blue Star Workers Union and Ors.* 1996 I C. L. R. page 673 wherein Their Lordships observed:—

"Trade union activities performed by the office bearers of the union are solely for the benefit and welfare of the workman of the bank and not connected with the banking institution itself or the members of the public, whose interest the banks are intended to serve. It will therefore be a fundamental mistake to allow confusion to prevail and deem the duties rendered by the office bearers to the union as part of the duties rendered to the bank. Further Their Lordships observed:

"Trade union activity has won universal recognition and it has a twin objective that is safeguarding the interests of the workers ushering the industrial peace. Even so, its secondary role or character cannot get effected. For whatever reasons the management may have deemed fit or conducive to grant duty relief at an anterior point of time the legal status of that act is only that of a concession and not a matter pertaining to the condition of service and further observed that:

Trade unions, is recognised all over the world but

that does not mean that the office bearer of the union can claim as of right that he can do union work during office hours."

13. Workman admits being a General Secretary of the Association and Committee member he had to attend two-three meetings in a week and general meeting with the workers in a year and in addition to that he attends various courts, and also does social work but certainly cannot at the cost of company as first he is the servant for which he takes the wages. So far victimisation is concerned reliance can be had to *M/s. Bharat Iron Works v/s. Bhagubhai Balubhai Patel and Ors.* 1976 LIC pg 4:

"Ordinarily a person is 'victimised' if he is made a victim or a scapegoat and he is subjected to prosecution. Prosecution or punishment for no fault or guilt of his own in the matter as it were of a sacrificial victim. It is therefore manifest for actual fault or guilt meriting the punishment is established, such action will be write off the tan of victimisation. Victimisation is a serious charge by an employee against the employer and therefore it must be properly and adequately pleaded giving all particulars upon which the charge is based to enable the employer to fully meet them. The charge must not be vague or indefinite being as it is an amalgam of facts, as well as inferences and attitudes. The onus of establishing the plea of victimisation will be upon the persons pleading it. The charge of victimisation being serious reflecting to a degree upon the subjective attitude of the employer all the particulars of the charge brought out, if believed, must be weighed by the Tribunal and a conclusion should be reached on a totality of the evidence produced."

On going through the record as a whole it is apparent that workman was attending late and that he was habitual absentee, therefore cannot be said that he was victimised for his union activities.

14. If looked the punishment of dismissal imposed upon the workman by company in the light of the proved charges needs interference by the tribunal in view of the discretion under section 11 A of the Industrial Disputes Act. Mr. Verma submits that Industrial Tribunal should be very careful before it interferes with the orders made by the management in discharge of their Managerial functions relying on *Syndicate Bank Ltd V/s. Its Workmen* 1996 I LLJ pg 440. However at the same time it cannot be forgotten that error on the part of the management in imposing severe punishment can be corrected by the Tribunal in view of Section 11 A of the Industrial Disputes Act and relying on the decision in *Ahmedmīya Ahmedji C/o. Bharatiya Kamgar Sena V/s. Indian Hume Pipe Co. Ltd. & Ors.* and *M/s. Hind Construction Engineering Co. Ltd., V/s. Their Workmen* AIR 1965 SC 917. It is to be noted that while imposing punishment it is also necessary to see the past record of the workman as disclosed by Deputy General Manager Mr. Pathrose.

Workman admits in his cross-examination para 18 that his probation period was extended in the year 1987 and earlier he was suspended by the letter dtd. 14-4-93 and also on 21-1-97 and that he was given memo as mentioned in letters filed with (Exhibit-44).

It is, therefore, apparent that past record of workman is blemished, therefore looking to the proved charges as regards habitual absentism and late attendance he cannot go unpunished when management had made provision of such workmen to provide lunch at their work place considering their work requires punctuality and alertness and of essential nature, where already accidents took place in the year 1995 and 1997. In view of the discussion supra, going through the evidence as a whole and the observations of Their Lordships in the decisions filed by both the sides to my view, punishment of dismissal is rather harsh and disproportionate to the proved charges and that minor punishment of stoppage of one increment in future, in view of the position is proportionate and adequate. In this view of the matter action of the management in terminating the services of workman is apparently neither legal nor justified. Consequently management will have to be directed to reinstate the workman with consequential monetary benefits. Issues are therefore answered accordingly and hence the order :—

ORDER

The action of the management of Hindustan Petroleum Corporation Ltd., Mumbai, in imposing the punishment of terminating the services of Shri D. N. Vidhate, Employee No. 802345 Senior Boiler Technician Boiler House FR Mumbai Refinery w. e. f. 19-1-2001 is neither legal nor justified and that the punishment of withholding of one increment in future is adequate and the same is imposed upon him. Consequently management is directed to reinstate the workman in service with consequential monetary benefits.

S. N. SAUNDANKAR, Presiding Officer

नई दिल्ली, 24 दिसम्बर, 2002

का. आ. 315.— औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार एयरपोर्ट ऑथोरिटी ऑफ इण्डिया के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, हैदराबाद के पंचाट (संदर्भ संख्या 116/2001) को प्रकाशित करती है, जो केन्द्रीय सरकार को 23-12-2002 को प्राप्त हुआ था।

[सं. एल-11021/9/2002-आई. आर. (विविध)]

बी. एम. डेविड, अवर सचिव

New Delhi, the 24th December, 2002

S.O. 315.— In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central

Government hereby publishes the award (Ref. No. 116/2001) of the Central Government Industrial Tribunal-cum-Labour Court, Hyderabad as shown in the Annexure in the industrial dispute between the employers in relation to the management of Airport Authority of India and their workman, which was received by the Central Government on 23-12-2002.

[No. L-11021/9/2002-IR(M)]

B. M. DAVID, Under Secy.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT AT
HYDERABAD

Present

Shri E. ISMAIL
Presiding Officer

Dated the 24th day of September, 2002

INDUSTRIAL DISPUTE L.C.I.D. No. 116/2001

Between:

Smt. M. Bhagia Lakshmi,
C/o Airport Authority Kamgar Union,
"House of Labour" King Kothi Road,
Hyderabad -29. ... Petitioner

AND

The Airport Director,
Airport Authority of India (NAO)
Hyderabad Airport, Begumpet,
Hyderabad. ... Respondent

Appearances:

For the Petitioner : Sri Md. Lateefuddin, Representative
For the Respondent : M/s. A.K. Jayaprakash Rao,
K. Srinivas Rao and P. Sudha,
Advocates

AWARD

This is a case taken under Sec. 2 A (2) of the I.D. Act, 1947 in view of the judgment of the Hon'ble High Court of Andhra Pradesh reported in W.P. No. 8395 of 1989 dated 3-8-1995 between Sri U. Chinnappa and M/s. Cotton Corporation of India and two others.

2. The brief facts stated in the petition are: That the petitioner was appointed on 2-3-99 by the Labour contractor Sri D. Narasimha Reddy and her last drawn wages was Rs. 1200 p.m. and she was deputed to work under the Respondent namely Airport Director. That the Respondent used to entrust to work the duty of sweeping is a regular perennial work to continue on contract basis. The labour contractor Sri D. Narasimha Reddy expired on 30-11-99 and from December, 1999 the same was entrusted to Sri Sectaram Reddy, Labour contractor whose contract also expired by 30th April, 2001. In spite of that she continued in service along with others. Out of 53 employees of the labour contractor, 46 approached the Hon'ble High Court and 7

including herself did not approach the Hon'ble High Court. The Respondent after the expiry of the contract continued the other 46 employees and issued a memo No. AAI/HY/AD/G. 18/01 dated 1-5-2001 where it is clearly mentioned that after expiry of the A.M.C. contract the upkeep and maintenance of both the terminals is being undertaken departmentally w.e.f. 1-5-2001. The Respondent terminated the services of those seven employees who did not approach the Hon'ble High Court including herself and she came to know that the other six employees also approached the Hon'ble High Court after their termination. And though the Hon'ble High Court passed orders in the WP for maintenance of status-quo, they were not allowed. The writ was allowed and WA was filed. The only reason for terminating the seven employees was because she did not approach the Hon'ble High Court. The attendance and wages sheet of 1999 clearly shows that the petitioner worked for the Respondent. Subsequently on 11-4-2000 the union also raised the dispute under 2-K before the Regional Labour Commissioner(C) requesting to admit the dispute in conciliation and the list submitted by the union. Her name appears at Sl.No.1. Subsequently, the labour official closed the case on the plea that the WP is already in the Hon'ble High Court.

3. The attendance of the petitioner and others appear in Sl.No.1 of May, 1999, similarly various other attendance registers are there. The Respondent before terminating orally have not followed the principal that when she has completed 240 days in a year and worked continuously without any break. The oral termination amounts to not following the I.D. Act. Hence, he may be reinstated with full back wages and all other attendant benefits.

4. A counter was filed stating that this petition under Sec.2A(2) of the I.D. Act, 1947 is not maintainable in law and untenable on facts. That at no point of time there is any relationship of employer and employee between the petitioner and the Respondent. Therefore, the question of terminating her services does not arise.

5. The sweeping work was entrusted to the contractor on piece rate basis. And the allegation of the petitioner that she was continued in service along with others after expiry of the contract on 30-4-2001 is absolutely incorrect.

6. Some of the employees of the labour contractor filed WP before the Hon'ble High Court of A.P. and obtained interim direction to continue them into service. That the Airports Authority Kamgar Union filed the WP and the name of the petitioner herein was not figured in the list furnished by the said Union to this Respondent. That as per the directions of the Hon'ble High Court the said union furnished the list and accordingly those employees were continued in service without prejudice to the rights and contentions raised by the Respondent management before the Hon'ble High Court. That the name of the petitioner was not found therefore the petitioner was never in service. That the documents do not bear the signature of any of the

employees of this Respondent management. Hence, cannot be relied upon the sign nor the same can be taken as piece of evidence. Hence, the petition may be dismissed.

7. The Petitioner examined herself as WW1 and deposed that she was appointed on 2-3-99 by Sri D. Narasimha Reddy, Labour contractor and deputed under the Respondent. She was asked by the Airport Authorities to perform the work. The duty of the sweeper is regular in nature. The contract of Sri D. Narsimha Reddy expired on 13-11-99 and subsequently Mr. Seetaram Reddy took charge and his contract expired on 30-1-2001 she continued as sweeper till 3-5-2001. As the Airport Authority has taken charge and taking work from her. Ex. W1 is a letter dated 1-5-2001 that after the expiry of the contract the Airport Authority would upkeep and maintain more the terminals departmentally from 1-5-2001. Ex. W2 is addressed to the union President. That she is the member of the Airport Authority of India Kamgar Union.

The union had filed a WP No.24460 of 1998 of the members of the Petitioner's association to regularize the services of the members of the Petitioners' association as sweepers. The Judgment of the Hon'ble High Court is W3. Whoever approached the Hon'ble High Court were taken back into service except herself. Ex. W4 is the order in the WPMP No.18675 of 2000 in WP No.14715 of 2000 along with the list. Ex. W5 is the certificate dated 21-9-2000 issued by Sri D. Narasimha Reddy. Ex. W6 is a letter dated 25-9-2001 issued by Sri D. Seetaram Reddy both letters show that she worked as sweeper for 3 ½ years. The union gave a letter dated 3.5.2001 asking Airport Authority to take her also into service which is Ex. W7.

8. In the cross-examination she deposed that she has not filed any documents to show that she worked under the contractor Sri D. Narasimha Reddy or Sri Seetaram Reddy. That she is not one of the Petitioners before the Hon'ble High Court. She has not filed any papers to show that the Airport Authority appointed her or gave her wages. Of the 56 persons whose list was furnished are still working. She does not know whether they are working today or not but they were working two months back when she visited. She denied that the Airport Authority never engaged her and there was no employer employee relationship.

9. Sri G. Rajashekhar, Sr. Manager, Civil, Hyderabad deposed that he joined the Respondent in 1989 and is working as Sr. Manager Civil at the Airport from June, 2001. He is looking after the contract labour matters from June, 2001. The contract of Sri Seetaram Reddy expired on 30-4-2001. The other labourers approached the Hon'ble High Court and obtained status-quo. The petitioner was not one of them. She absconded from duty from 1-5-2001. Hence, the question of oral termination from 2-5-2001 does not arise. There is no relationship of employer and employee between Respondent and Petitioner. Ex. M1 is the Judgment of the Hon'ble High Court in WP No.865, 966 and 1011 of 2000 dated 18-4-2002 which were allowed. There was a

contractor Sri M. V. Prasad for maintenance of civil work and repairs for 99-2000 vide Ex.M2. He accepted the same vide Ex.M3. The petitioner also approached the Labour Commissioner and withdrew the same in view of the writ pending. It is Ex.M4. All the other workers were reinstated in view of the Judgement of Hon'ble Single Bench. A letter was addressed by the Airports Authority Kamgar Union, Ex.M5 dated 7-5-2001. Ex.M6 is the list of workers engaged on contract system which was abolished. Ex.M7 is list of sweepers. As the appropriate Government is the Central Government he prays the petition may be dismissed.

10. In the cross-examination he deposed that he received Ex. W8 and in response to that sent their views to the ALC(C). They have not filed their views in the Court. It is correct they received Ex. W9 from the union but did not reply to it. It is correct that immediately after the expiry of the contract on 30-4-2001 Ex. W10 was issued for upkeep and maintenance with the same persons. Before issuing Ex. W10 they received orders from the Hon'ble High Court to maintain the *status-quo* for the employees, although Ex. W10 does not mention that there is an order of the Hon'ble High Court to maintain *status-quo*. In Ex. W1 the Petitioner was also included. Ex. W13 order of the Hon'ble High Court in regard to regularization of services filed by Sri MQ. Baig Ex. W14 is the bunch of attendance maintained by the contractor in which the name of the Petitioner is mentioned. Through Ex. M1 Judgement of the Hon'ble High Court the Division Bench asked to continue *status-quo* for one month from 18-4-2002. Two months back they terminated all the 56 persons. They have not issued any written order terminating their services. There is no order of the Hon'ble High Court to terminate the services of the employees. They have not issued any charge sheet or memo after Bhagia Lakshmi absconded from duty from 1st May, 2001. It is not true to say that petitioner worked on 1st May and 2nd May, 2001.

11. It is argued by the Learned Representative for the petitioner that once the contract was over all the workmen including the petitioner were continued in service from 1-5-2001. Hence, the relationship of employer and employee started existing from 1-5-2001. It is immaterial whether the said orders were issued due to the orders of the Hon'ble High Court because the letter dated 1-5-2001, Ex. W1 does not mention that the letter is being issued as per the order of the Hon'ble High Court. Actually, it says that after the expiry of the contract the Airport Authority would upkeep and maintain the terminals departmentally from 1-5-2001 and the Petitioner having worked from 1st and 2nd May, 2001 automatically becomes employed under the Airport Authority. Hence, her dismissal orally is wrong. Hence, she may be reinstated with back wages, continuity of service and all other benefits.

12. The Respondent Counsel submits that where is the evidence that she worked on 1-5-2001 and 2-5-2001. Even if that is so even agreeing to her that she worked only

for two days and not 240 days. Ultimately all the workers have been dismissed. All the 56 persons. Hence, when all others are dismissed, where is the question of taking Smt. Bhagia Lakshmi back into service. He therefore prays that the petition may be dismissed.

13. It may be noted that there is no proof that she worked on 1-5-2001 and 2-5-2001 if really she had worked on 1st and 2nd May, 2001 there is no reason as to why she should have not joined other writ-petitioners. No doubt in Ex. W1 the petitioner was also included. Nor it is denied that she worked with the contractors. But, in view of the fact that the other 56 persons who have had gone to the Hon'ble High Court the Division Bench asked only to continue *Status-quo* and later on all were terminated. Hence, I do not find any reason to come to the rescue of the Petitioner herein Smt. Bhagia Lakshmi. Hence I hold that the Petitioner is not entitled for any relief.

Award passed. Transmit.

Dictated, to Kum. K. Phani Gowri, Personal Assistant transcribed by her corrected and pronounced by me in the Open Court on this the 24 th day September, 2002.

E. ISMAIL, Presiding Officer

Appendix of evidence

Witnesses examined for the Petitioner	Witnesses examined for the Respondent
Smt M. Bhagia Lakshmi	Sri G. Rajashekhar

Documents marked for the Petitioner

EX.W1:	Copy of office note No. AAI/HY/AD/G. 18/01 dt. 1-5-2001.
Ex.W2:	Copy of Lr. No. AAI/NAD/HAYD/GN.10/ ENGG(C)/348/5346-4819 dt. 18/19-4-2001.
Ex.W3:	Copy of WP order No. 24460/1998 dt. 1-8-2000.
Ex.W4:	Copy of order in WPMP No. 18675/2000 in WP No. 14715/2000 dt. 9-8-2000.
Ex.W5:	Copy of certificate issued by Sri D. Narasimha Reddy, dt. 21-9-2001.
Ex.W6:	Copy of certificate issued by Sri D. Sectaram Reddy, dt. 25-9-2001.
Ex.W7:	Copy of Lr. No. AAKU/HYDERABAD/ Contract Labour/2001 dt. 3-5-2001.
Ex.W8:	Copy of Lr. No. 8/003/2001-E2 dt. 29-6-2001.
Ex.W9:	Copy of Lr. No. AAKU/HYDERABAD/ Contract Labour/2001 dt. 3-5-2001.
EX.W10:	Copy of office note No. AAI/HY/AD/G. 18/01 dt. 1-5-2001.
EX.W11:	Copy of Lr. No. AAI/NAD/HAYD/GN.10/ ENGG(C)/348/5346-4819 dt. 18/19-4-2001.
Ex.W12:	Copy of office note dt. 24-4-2001.

Ex. W13: Copy of order of Hon'ble High Court in WP No. 24460 of 1998 dt. 1-8-2000.

Ex. W14: Copy of bunch of attendance sheets maintained by Respondent.

Documents marked for the Respondent

Ex. M1: Copy of order in WA No.865,866 & 1011 dt. 18-4-2002.

Ex. M2: Agreement No. AAI/NAD/HY/EE(C)/AG-No. 01/99-2000, dt.28-10-99.

Ex. M3: Acceptance letter for Ex.M2.

Ex. M4: Copy of Lr. No.8/007/2000-E2 dt.25-7-2000.

Ex. M5: Copy of Lr. No. AAKU/INTERIM ORDER/HYDERABAD/2000 dt.17-8-2000.

Ex. M6: Copy of statement showing details of workers engaged on contract system at AAI, Hyderabad.

Ex. M7: Copy of list of sweepers, workers at Hyderabad Airport under contract labour system.

नई दिल्ली, 24 दिसम्बर, 2002

का. आ. 316.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार ऑयल एण्ड नैचुरल गैस कार्पो. के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरणों, अहमदाबाद के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 23-12-2003 को प्राप्त हुआ था।

[सं. एल-30011/35/99-आई आर(एम)]

बी. एम. डेविड, अवर सचिव

New Delhi, the 24th December, 2002

S.O. 316.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Industrial Tribunal, Ahmedabad as shown in the Annexure in the Industrial Dispute between the employers in relation to the Management Oil & Natural Gas Corporation and their workman, which was received by the Central Government on 23-12-2002.

[No. L-30011/35/99-IR(M)]

B. M. DAVID, Under Secy.

ANNEXURE

BEFORE SMT. N. J. SHELAT, PRESIDING OFFICER,
INDUSTRIAL TRIBUNAL (CENTRAL) AT
AHMEDABAD

Com. (ITC) No. 07 of 2000

IN

Ref.(ITC) No. 172 of 1999.

Ashok Kumar Ramkaran Sinh,
C/o Dal Sagar Sinh

Khadi Gram Udyog Prayog Samiti,
Gandhi Ashram, Nr. Subhash Bridge
Vadej, Ahmedabad-380027.

.....Complainant

Vs

The Group General Manager (P).

Oil & Natural Gas Corporation,

Avani Bhawan, Chandkheda,

Ahmedabad (Gujarat)

.....Opponent.

Complaint under Section 33 (1) of the Industrial Dispute Act, 1947.

Appearances: Shri Raghoor Mali, learned representative, for the Complainant.

Shri K. V. Gadhia, learned advocate, for the Opponent.

AWARD

This is a complaint filed by one Shri Ashok Kumar RamkaranSinh praying that the Opponent be directed not to make any changes in his service condition pending Ref.(ITC) No.172 of 1999 without taking permission from this Tribunal as per Section 33 (1) of Industrial Dispute Act, 1947. The Complainant has further prayed that opponent should be directed to provide him with work and pray him the monetry loss suffered by him.

2. The case of the Complainant is that he is working with the Opponent for the past many years faithfully and diligently and that his service record is clean; that he is a member of General Mazdoor Sabha; that the refrence is pending before this Tribunal pertaining to 49 workers for considering as employees of the Opponent Corporation and to pay them wages accordingly; that in that refrence the Tribunal has passed an order dated 16-3-2000 granting stay in terms of para 15 (b) as prayed for.

It is further stated by the complainant that his name is placed as an employee of the contractor in an illegal way and that opponents are paying him less wages in a calculative way; that the contractors are changing but the workers aren't changing and that the type of work which he is doing is the work of the Opponent Corporation and that so-called contractors are the agents of the Opponent; that he has worked for more than 240 days and that the reference which is pending for making him a permanent workman of the Opponent Corporation is legal.

It is further stated by the Complainant that in the reference which is pending before this Tribunal, an interim order is passed to the effect that Opponent should not commit any change in the service condition of the Complainant and that they should not stop him from working; that the Opponent has stopped him from carrying out his duties from 12-6-2002 and informed him accordingly orally; that the name of the officer who has given oral order is Shri B.M. Sahu; that this action of the opponent is illegal that complainant has given a notice dated 15-6-2000 to the Opponent Corporation by regd. post; that the

Opponent has received it on 19-6-2000; that inspite of that, he has not been taken back on duty and that he has not received any reply to the notice; that no enquiry has been conducted and that he has not been given any notice of termination.

3. The Complainant Shri Ramkaransinh has filed one interim relief application Ex. 2 which is not pressed by him and, therefore, an order was passed to that effect on 15-11-2000.

4. On 4-7-2000 vide Ex. 5, learned advocate for the Complainant has filed 5 documents in support of his case.

5. The Opponent Corporation has filed written statement vide Ex. 11 inter alia denying various contentions raised by the Complainant and has stated that they have not contravened any provisions of Section 33 of the Industrial Disputes Act, 1947 and hence this complaint is not maintainable. The Opponent Corporation has further submitted that there is no relation of master and servant between the complainant and the Corporation; that the Complainant was not employed by the Corporation. The opponent Corporation has admitted that reference (ITC) No. 172 of 99 is pending before the Tribunal but they have not admitted that Tribunal has granted stay on 16-3-2000 upto final disposal of the reference. The Opponent Corporation has further denied that Complainant is a connected employee of the said reference. The Opponent Corporation has further denied that they have restrained the Complainant to join his duties from 12-6-2000. They have also denied that his services were orally terminated by them. The Opponent Corporation has further denied that they have changed the service condition of the Complainant. The Opponent Corporation has further submitted that the Tribunal cannot force them to employ the Complainant; that as per the information supplied by the Contractor, no such person namely Ashok Kumar, Ramkaransinh is engaged by the Contractor. And hence no question arise for providing work to the Complainant. The Opponent Corporation has prayed that Complaint and stay application are required to be dismissed.

5. The learned representative for the Complainant has filed 15 documents in support of his case vide Ex. 13 on 17-8-2000.

6. The Complainant Shri Ashok Kumar Ramkaransinh has examined himself vide Ex. 14 on 15-11-2000 reiterating the facts stated in his complaint Ex. 1. The Complainant Shri Ashok Kumar Ramkaransinh has been cross-examined on 8-3-01 and he has stated in his cross-examination that at present he is working as an employee of Industrial Security Service and doing the work of the first party; that one Shri Shuklaji is running it and he is doing the work given by Shri Shuklaji; that he is being given his pay by cheque also by the security person Shri Shuklaji.

The learned representative for the complainant has closed his evidence vide Ex. 15.

7. The Opponent has examined one Vijayanand Madhusudan Sahu vide Ex. 17. Shri Vijayanand Madhusudan Sahu has stated in his examination-in-chief that he is working as a Superintendent (Engineering) with the Opponent Corporation; that in his department there is contract of Industrial Security Service; that 49 workmen whose names are stated in original reference (ITC) No. 172 of 1999 are the workers of the contractor; that Shri Ashok Kumar Ramkaran the complainant's name is amongst 49 workmen. There is no name mentioned as Kshtriya Ashok Kumar Ramkaran amongst 49 workers. There is also no name mentioned as Ashok Kumar Ramkaran Sinh amongst those 49 workmen.

Shri Vijayanand Madhusudan is cross-examined and he has stated in his cross-examination that contractor was giving wage slip to workers and that he was making payment to the workers by cheque. Wage slip and cheques have been Exhibited during the cross-examination and are given exhibit No. 22 to 26 respectively, that the Complainant Shri Ashok Kumar Ramkaran Sinh has stopped coming to work from 2001; that the contractor is looking after the work of his workmen.

8. The Opponent Corporation has closed his evidence vide Ex. 27 on 24-10-2001.

9. I have gone through records and paper of the case and have considered arguments of both the parties and find that the terms of reference in Ref. (ITC) No. 172 of 1999 reads as under :—

“Whether the demend of General Mazdoor Sabha that the so called contract under which the employees of Shri Solanki Jasubhai Govindbhai and 48 Others (as per list attached) in the various department of ONGC, Ahmedabad Project as ‘sham’ and ‘bogus’ arrangement and the concerned employees be treated in direct employment in ONGC Ahmedabad Project from their date of engagement with all consequential benefits through the so-called contractors is legal and justified? If so to what relief the concerned workmen are entitled and from which date.”

From the above terms of reference, it is found that 48 workers whose names are listed in the original reference are engaged by the contractor and not by the Opponent Corporation. At Sr. No. 41 of that list name of one Ashok Kumar Ramkaran is written. It is the case of the Opponent that the name of the Complainant is Ashok Kumar Ram karan Sinh the name written in the original reference is Ashok Kumar Ramkaran and, therefore, the present complaint is not maintainable. Besides, it is the case of the Opponent Corporation that contractor is not made a party and, therefore, also the present complaint required to be rejected. It is also the case of the Opponent Corporation that they not committed any breach of Section 33(1) of the Industrial Disputes Act, 1947 and therefore also the present complaint is not maintainable.

From the records and papers of the case, it is found that the complainant was working with the contractor as per his own admission in the cross-examination that at present he is working with the Industrial Security Service. The witness for the Opponent Corporation has stated in his chief examination that in his department there is contract of one Industrial Security Service. Besides, from documentary evidence produced before this Tribunal, it is found that the Complainant Shri Ashok Ramkaran Singh was working with contractor viz. Industrial Security Services and was also being paid by the contractor. It is also found that contractor is not made a party in the present complaint and if any relief as prayed for by the Complainant is granted by this Tribunal, then in that case it will amount to granting and/or deciding the original reference No. 172 of 1999. It is pertinent to note here that the main reference No. 172/99 is pending for adjudication before this Tribunal and is yet to be proceeded by the second party Union. It is the duty of the second party Union to proceed with the original reference No. 172/1999 so that can be decided by this Tribunal on merits. In this view of the matter and under the facts and circumstances of the case and also in view of aforesaid discussion I pass following order :—

ORDER

The complaint stands rejected. The complainant is not entitled to get any relief as prayed for by him. No order as to cost.

Ahmedabad, Dt. 9th August, 2002.

N.J. SHELAT, Industrial Tribunal

नई दिल्ली, 24 दिसम्बर, 2002

का. आ. 317.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसूच में, केन्द्रीय सरकार अर्देशीर श्री. करसेटजी एण्ड सन्स लि. के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, मुंबई-2 के पंचाट (संदर्भ संख्या 21/2002) को प्रकाशित करती है, जो केन्द्रीय सरकार को 23-12-2002 को प्राप्त हुआ था।

[सं. एल-31011/14/2001-आई.आर. (विविध)]

बी. एम. डेविड, अवर सचिव

New Delhi, the 24th December, 2002

नोट.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 21/2002) of the Central Government Industrial Tribunal—Labour Court, Mumbai No. 2 as shown in the Annexure in the Industrial Dispute between the employer in relation to the management of Ardeshir

B. Cursetji and Sons Ltd. and their workmen, which was received by the Central Government on 23-12-2002.

[No. L-31011/14/2001-IR (M)]

B. M. DAVID, Under Secy.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL (No. II) MUMBAI

PRESENT : S. N. Saundankar
Presiding Officer.

REFERENCE NO. CGIT-2/21 OF 2002

Employers in Relation to the Management of
M/S. Ardeshir B. Cursetji and Sons Limited

ABC Ltd., Mackinnon Mackenzie Building
The Chief Executive, No. 4, Shoorji
Vallabhadas Marg, Ballard Estate,
Mumbai 400001.

AND

Their Workmen

Shri Manoharlal Harbhajandas Nirankari
206, Sitavihar, B. Pathak Road,
Goddev Naka, Bhayandar East,
Dist. Thane,
Pin: 401105.

APPEARANCES :

For The Employer : Ms. Anjali Sachdev
Advocate

For The Workmen : No Appearance.

Mumbai Dated 28th November 2002

AWARD

The Government of India, Ministry of Labour by its Order No. L-31011/14/2001 (IR-M) dtd. 28/01/2001 in exercise of the powers conferred by clause (d) of sub-section (1) and sub-section (2A) of Section 10 of the Industrial Disputes Act 1947, have referred the following dispute to this Tribunal for adjudication :

Whether action of the management of M/s. Ardeshir B. Cursetji & Sons Ltd., Mumbai retrenching the services of Shri Manohar H. Nirankari, Car Driver w.e.f. 14-9-2000 is legal and justified? If not what relief workman is entitled to?

2. Pursuant to the notices workman Nirankari and the management company filed their Statement of Claim and Written Statement. Record shows that by the application dated 10-7-02, (Exhibit-8) one Chamanlal H. Nirankari styling as elder brother of workman pointed

out that workman Nirankari had expired on 17-5-02. Consequently he was directed on 22-7-02 to produce a succession certificate, however record shows till to date though sufficient time given said Chamanlal nor anybody on behalf of the deceased workman appeared and produced succession certificate which indicates that Chamanlal is not the successor of the deceased workman and that he died leaving behind no heirs. In view of this, the reference will have to be disposed of and hence the order:-

ORDER

Reference stands disposed of.

S.N. SAUNDANKAR, Presiding Officer

नई दिल्ली, 24 दिसम्बर, 2002

का. आ. 318.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार ओमकार मोटर लॉच सर्विस के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, मुंबई-2 के पंचाट (संदर्भ संख्या 20/2002) को प्रकाशित करती है, जो केन्द्रीय सरकार को 24-12-2002 को प्राप्त हुआ था।

[सं. एल-31012/10/2001-आई.आर. (विधि)]

बी. एम. डेविड, अवर सचिव

New Delhi, the 24th December, 2002

S.O.318.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 20/2002) of the Central Government Industrial Tribunal-cum-Labour Court, Mumbai No. 2 as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Omkar Motor Launch Service, and their workman, which was received by the Central Government on 24-12-2002.

[No. L-31012/10/2001-IR (M)]

B. M. DAVID, Under Secy.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL (No. II), MUMBAI

PRESENT : S. N. SAUNDANKAR
Presiding Officer

Reference No. CGIT-2/20 of 2002

**EMPLOYERS IN RELATION TO THE
MANAGEMENT OF :**

M/s. Omkar Motor Launch Service,
The Manager, Mole Station,
Green Gate of Indira.

M/s. Omkar Motor Launch Service,
The Manager, Mole Station,
Green Gate of Indira,
Dock Mumbai,
Mumbai-400 038

AND

THEIR WORKMEN :

Shri Shaikhar S. Patil,
51, New Ambalal Chawl,
Dr. Annie Besant Road,
Worli, Mumbai-18
MUMBAI

APPEARANCES :

FOR THE EMPLOYER No Appearance

FOR THE WORKMEN No Appearance

Mumbai, dated the 28th November, 2002

AWARD

The Government of India, Ministry of Labour by its Order No.-L-31012/10/2001/IR-M dtd. 24-01-2001 in exercise of the powers conferred by clause (d) of Sub-section (1) and Sub-section (2A) of Section 10 of the Industrial Disputes Act, 1947 have referred the following dispute to this Tribunal for adjudication:

“Whether the claim of Shri Shaikhar S. Patil that he had worked with M/s. Omkar Motor Launch Services as Tandel for three years is correct? If so, whether the action of the said management in terminating his services w.e.f. 9-9-99 is legal and justified? If not what relief the workman is entitled to?”

2. On receipt of the reference this Tribunal issued notices (Exhibit-2) to the management Company M/s. Omkar Motor Launch Service and the workman Shri Shaikhar S. Patil on 19-3-02. However record shows that management was served the notice vide acknowledgement (Exhibit-4) but the notice of the workman returned unserved vide endorsement not found on (Ex-6) Consequently management was directed to furnish address of the workman. However no address has been furnished. Address of the workman mentioned in the reference must be as per the correspondence with the A.L.C. (C) and that order of reference dtd. 24-1-2001 was also sent by the Ministry to the workman directly, there- by the workman had knowledge on the reference despite which he did not turn up which indicates he is not interested in prosecuting the reference and therefore the following order is passed:-

ORDER

Reference stands disposed of for non-prosecution.

S. N. SAUNDANKAR, Presiding Officer

नई दिल्ली, 24 दिसम्बर, 2002

State : Jharkhand

Industry : Explosive

Dated, Dhanbad, the 26th November, 2002

ORDER

The Govt. of India, Ministry of Labour in exercise of the powers conferred on them under Section 10(1)(d) of the I.D. Act, 1947 has referred the following dispute to this Tribunal for adjudication vide Ministry's Order No. L-30011/84/2000-IR (M) dated, the 27th March, 2001.

SCHEDULE

"Whether the action of the Management of M/s. IBP Co. Ltd. Dhanbad in not regularising Shri Aloke Paul, Assistant (F & A) is justified? If not, to what relief is Shri Aloke Paul is entitled to?"

2. In this case both the sides appeared. In course of hearing representative of the concerned workman submitted that over the self same reference another reference case bearing Ref. Case No. 70/2001 is pending for disposal in this Tribunal. Disclosing this fact the representative of the concerned workman submitted that as over self same issue one reference case is pending it is redundant to proceed with the hearing of this case and accordingly the same may be dropped. Perused the reference Case No. 70/2001 and it transpires that the issue as per reference of this case is same as that of the instant Case i.e. Ref. No. 100/2001. The management's advocate does not raise objection. Accordingly it is needless to proceed with the instant reference case. Hence it is dropped.

B. BISWAS, Presiding Officer

नई दिल्ली, 24 दिसम्बर, 2002

का. आ. 320.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार बामर लॉरी एण्ड कं. लि. के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, लखनऊ के पंचाट (संदर्भ संख्या 171/2001) को प्रकाशित करती है, जो केन्द्रीय सरकार को 23-12-2002 को प्राप्त हुआ था।

[सं. एल-30011/77/2001-आई.आर. (विविध)]

बी. एम. डेविड, अवर सचिव

New Delhi, the 24th December, 2002

S.O. 320.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 171/

नई दिल्ली, 24 दिसम्बर, 2002

का. आ. 319.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार आई. बी. पी. कं. लि. के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, धनबाद नं.-2 के पंचाट (संदर्भ संख्या 100/2001) को प्रकाशित करती है, जो केन्द्रीय सरकार को 23-12-2002 को प्राप्त हुआ था।

[सं. एल-30011/84/2000-आई.आर. (विविध)]

बी. एम. डेविड, अवर सचिव

New Delhi, the 24th December, 2002

S.O. 319.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 100/2001) of the Central Government Industrial Tribunal cum-Labour-Court Dhanbad No. 2 as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of I.B.P. Co. Ltd. and their workman, which was received by the Central Government on 23-12-2002.

[No. L-30011/84/2000-IR (M)]

B. M. DAVID, Under Secy.

ANNEXURE**BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL (NO. 2) AT DHANBAD**

PRESENT: SHRI B. BISWAS,
Presiding Officer.

In the matter of an Industrial Dispute under Section 10(1)(d) of the I.D. Act, 1947

Reference No. 100 of 2001

PARTIES: Employers in relation to the management of SMS Explosive Support Plant, Govt. of India Enterprises, P.O. Nudkharkee, Dist. Dhanbad and the Secretary, SMS Explosive Support Plant Staff Union.

APPEARANCES:

On behalf of the workman : Shri D. Mukherjee,
Advocate.

On behalf of the Employers : Shri N. Goel
Advocate.

2001) of the Central Government Industrial Tribunal-cum-Labour Court, Lucknow as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Balmer Lawrie & Co. and their workman, which was received by the Central Government on 23-12-2002.

[No. L-30011/77/2001-IR (M)]

B. M. DAVID, Under Secy.

ANNEXURE

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, LUCKNOW

PRESENT

RUDRSH KUMAR
Presiding Officer

I.D. No. 171/2001

Ref. No. L-30011/77/2001-IR (M) Dated 27-11-2001

BETWEEN

The General Secretary, Balmer Lawrie Karmchari Sangh,
Containers Division, 124, Durgapur, Sonkh Road,
Mathura, U.P.
(espousing cause of Banwari Lal)

AND

The Manager (Operation), Balmer Lawrie & Company,
Containers Division, Gate No. 9, Mathura Refiner,
Mathura.

AWARD

By Order No. L-30011/77/2001/IR (M) dated : 27-11-2001, the Central Government in the Ministry of Labour, in exercise of the powers conferred by clause (d) of sub-section (1) and sub-section 2(A) of Section 10 of the Industrial Disputes Act, 1947, (14 of 1947) referred this industrial dispute between the General Secretary, Balmer Lawrie Karmchari Sangh, Containers Division, 124, Durgapur, Sonkh Road, Mathura, U.P. (espousing cause of Banwari Lal) and the Manager (Operation), Balmer Lawrie & Company, Containers Division, Gate No. 9, Mathura Refiner, Mathura for adjudication.

The reference under adjudication is as under :

"क्या प्रबंधक (ऑपरेशन), मेसर्स बॉमर लॉरी एण्ड कं. लि. मथुरा द्वारा श्री बनवारी लाल को दिनांक 01-09-97 से दिनांक 11-8-1999 तक की अवधि का वेतन एवं अन्य पाषाणों का

भुगतान नहीं करना न्यायोचित है ? यदि नहीं तो संबंधित कर्मकार किस अनुतोष का हकदार है ?

2. The workman, Banwari Lal, annexed a chart claiming Rs. 183571.92 as salary for the period from 1-9-1997 to 11-8-1999 and Rs. 32862.84 towards bonus, medical expenses, and other allowances like uniform, woollen cloth & other, LTA etc., making the total claim to Rs. 216434.76. The management has disputed this claim and filed written statement.

3. Later the parties were persuaded to settle their differences. The parties discussed their disputes and settled the claim amicably, Mr. B.P. Joshi, manager (Operations) submitted a copy of the settlement, arrived between the parties, which was verified by him before the Tribunal. The settlement was reached in between the parties, where under the workman sought voluntary retirement in pursuance to Voluntary Retirement Scheme of the company, submitting an application dated 6-9-2002, which was accepted by the management. The workman, Banwari Lal, was paid a sum of Rs. 4,46,176.76 (Rs. Four lac, forty six thousand one hundred seventy six and paise seventy six) only towards full and final settlement of his claim. He was also paid a sum of Rs. 68,628.00 (Rs. Sixty eight thousand six hundred twenty eight) only towards gratuity. The management filed copy of payment voucher No. 30460 dated 20-9-2002 for Rs. 4,46,176.76 and receipt for Rs. 68,628.00 showing payment of gratuity.

4. thus a settlement award is given. The copy of settlement shall from part of the award.

LUCKNOW

9-12-2002

RUDRESH KUMAR, Presiding Officer

C.G.I.T.-CUM-LABOUR COURT, LUCKNOW

ANNEXURE OF THE AWARD DATED 9-12-2002
IN ID. NO. 171/2001

Between The General Secretary, Balmer Lawrie Karmchari Sangh Mathura (espousing cause of Banwari Lal) and The Manager (Operations), Balmer Lawrie & Co. Ltd. Mathura.

Before the Presiding Officer,
Central Government Industrial Tribunal
cum-Labour Court,
B-1/36, Sector A, Aliganj,
LUCKNOW

Dispute No. 171/2001

Sri Deep Chand, General Secretary,
Balmer Lawrie Karamchari Sangh,
Containers Division, Mathura

Versus

Balmer Lawrie & Co. Ltd. Mathura

Sir,

In the above case it is respectfully submitted as under:—

That the present dispute relates to the payment of wages and other benefits for the period from 1-9-1997 to 11-9-1999.

That during the pendency of this case, in pursuance of Voluntary Retirement Scheme of the management, the workman concerned, Sri Banwari Lal, submitted an application dated 6-9-2002 for Voluntary Retirement and requested the management to accept the application for Voluntary Retirement.

That the said application for Voluntary Retirement has been accepted by the management vide its letter dated 20-9-2002.

That in pursuance of acceptance of Voluntary Retirement application of Shri Banwari Lal, Shri Banwari Lal has been paid a sum of Rs. 4,46,176.76 (Rs. Four lac forty six thousand, one hundred seventy six and paise seventy six only), which he has received in full and final settlement of his claims.

Sri Banwari Lal has also been paid a sum of Rs. 68,628.00 (Rs. Sixty eight thousand six hundred twenty eight only) towards gratuity.

That the affidavit of Manager (Opn) of the Company, annexing the photo copies of application for Voluntary Retirement dt 6-9-2002, letter of acceptance dated 20-9-2002 and copy of voucher No. 30460 dt. 20-9-2002 for Rs. 4,46,176.76 (Rs. Four lac forty six thousand one hundred seventy six and paise seventy six only), duly received are enclosed herewith for the perusal of the court.

That the deponent states that the application of VR was submitted by Shri Banwari Lal on his own free will and bears his signatures. The management has accepted the said application and the letter of acceptance bears deponent's signatures which was duly received by Shri Banwari Lal along with the cheque No. 399751 dt. 20-9-2002 for Rs. 4,46,176.76 (Rs. Four lac, forty six thousand one hundred seventy six and paise seventy six only) and a photo copy of Voucher duly received and signed by Shri Banwari Lal is enclosed. The deponent recognizes signatures of Shri Banwari Lal.

It is, therefore, respectfully prayed that learned court may please hold that in view of severance relationship between Shri Banwari Lal, and the company, Shri Banwari Lal having accepted and taken his due from the company

in full and final settlement including terminal benefits, and there remains no dispute and the present reference became infructuous.

It is, therefore, prayed that the learned Tribunal be pleased to accept the settlement and pass a no dispute award or award in terms of the settlement.

For and on behalf of BALMER LAWRIE
& CO. LTD.

B.P. JOSHI

Manager (OPN)

RUDRESH KUMAR, Presiding Officer

नई दिल्ली, 24 दिसम्बर, 2002

का. आ. 321.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार किलबर्न केमिकल्स लि. के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, चेन्नई के पंचाट (संदर्भ संख्या 580/2001) को प्रकाशित करती है, जो केन्द्रीय सरकार को 23-12-2002 को प्राप्त हुआ था।

[सं. एल-29012/12/2001-आई.आर. (विविध)]

बी. एम. डेविड, अवर सचिव

New Delhi, the 24th December, 2002

S.O. 321.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 580/2001) of the Central Government Industrial Tribunal -cum- Labour Court Chennai as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Kilburn Chemicals Ltd. and their workman, which was received by the Central Government on 23-12-2002.

[No. L-29012/12/2001-IR (M)]

B. M. DAVID, Under Secy.

ANNEXURE

BEFORE THE CENTRAL GOVT. INDUSTRIAL
TRIBUNAL-CUM-LABOUR COURT, CHENNAI

Monday, the 18th November, 2002

Present : K. KARTHIKEYAN,
Presiding Officer

INDUSTRIAL DISPUTE NO. 580/2001

[In the matter of the dispute for adjudication under clause (d) of sub-section (1) and sub-section 2(A) of

Section 10 of the Industrial Disputes Act, 1947(14 of 1947), between the Workman Sri P. Alagiri and the Management of M/s. Kilburn Chemicals Ltd. Tuticorin.]

BETWEEN

Sri P. Alagiri : I Party/Workman

AND

The Manager,
M/s. Kilburn Chemicals Ltd.,
Tuticorin. : II Party/Management

Appearance:

For the Workman : M/s. R. Arumugam &
N. Krishnakumar,
Advocates.

For the Management : M/s. Vijay Narayan &
R. Parthiban,
Advocates.

The Govt. of India, Ministry of Labour in exercise of powers conferred by clause (d) of sub-section (1) and sub-section 2(A) of Section 10 of Industrial Disputes Act, 1947 (14 of 1947), have referred the concerned industrial dispute for adjudication vide Order No.L-29012/12/2001-IR (M) dated 23-04-2001.

On receipt of the order of reference from the Government of India, Ministry of Labour, this case has been taken on file as I.D. No. 580/2001 and notices were sent to the parties to the dispute by registered post, with a direction to appear before this Tribunal on 1-06-2001 to file their respective Claim Statement and Counter Statement and to prosecute this case further. Accordingly, learned counsel on record on either side have filed their respective claim statement and counter statement.

Upon perusing the Claim Statement, Counter Statement, documents let in on the saide of the I Party/ Workman, oral and documentary evidence let in on the side of the II Party/Management the other material papers on record, the written arguments filed by the learned counsel for the I Party/Workman, after hearing the arguments advanced by the learned counsel for the II Party/ Management and this matter having stood over till this date for consideration, this Tribunal has passed the following :

AWARD

The Industrial Dispute referred to in the above mentioned order of reference by the Central Govt. for adjudication by this Tribunal is as follows :—

“Whether the action of the management of M/s. Kilburn Chemicals Ltd. Tuticorin, in terminating the services of Sri P. Alagiri, Process Operator is legal and justified ? If not, to what relief the concerned workman is entitled to?”

2. The averments in the Claim Statement filed by the I Party/Workman Sri P. Alagiri, (hereinafter refers to as Petitioner) are briefly as follows :—

The Petitioner was appointed as a Process Operator(T) in the II Party/Management M/s. Kilburn Chemicals Ltd. Tuticorin (hereinafter refers to as Respondent) by an order of appointment dated 16.2.97. His services were regularised by an order dated 19.5.99. The Petitioner's services are throughout unblemished. The Respondent issued a charge sheet dated 14.2.2000 to the Petitioner alleging some misconduct. The Petitioner submitted his explanation denying the charges. An enquiry was conducted, but in the enquiry reasonable opportunity was not given to the Petitioner. The Enquiry Officer submitted his report with perverse findings. On the basis of that report, the Respondent issued an order dated 1.9.2000 terminating the services of the Petitioner. Then the Petitioner filed an appeal against the order of termination to the Chairman, Appellate Authority. The appeal was dismissed by the Director instead of Appellate Authority. The Petitioner raised an industrial dispute before the conciliation officer, which ended in a failure. On submission of his failure of conciliation report, the Central Govt. was pleased to refer this industrial dispute to this Tribunal for adjudication. The charge levelled against the Petitioner is a concocted one and it is a predetermined act the Respondent/Management. The Petitioner involved in the trade union activities and the Respondent in order to eliminate the Petitioner in the beginning itself fabricated the charges with the help of subordinate staff with an ulterior motive. The very fact that a complaint was obtained on 11.2.2000 from one Selvakumar and Ramar and that a complaint was said to have been given by the Manager on 5.2.2000 earlier will show that the Respondent/Management with a view to help the Manager fabricated the charges. If really, the incident said to have been happened, then the first complaint should have been emanated from the alleged aggrieved person namely Selvakumar. But in this case, cart is placed before horse. This will reveal that the complaint was procured later from Selvakumar in order to send out the Petitioner from service. On 5.2.2000 no complaint was given against the Petitioner, no document was produced against the Petitioner, no statement was recorded against the Petitioner and no evidence was available and no incident was happened. But the Respondent/Management on predetermined conclusion alleged that the Petitioner misused, misrepresented his office and company and attempted to forge his signature. Thus, the allegation and complaint said to have given by the Manager on 5.2.2000

is a motivated and predetermined one. The Manager after giving his complaint in writing on 5.2.2000 and thereafter obtained a complaint from a contractor who is a third party and from Selvakumar. The complaints were dictated by the Manager and written by his steno V.P. Balasubramaniam at Manager's cabin in the presence of Manager's subordinate. This itself shows that the complaints were procured with ulterior motive and it is not given on free volition. The domestic enquiry conducted against the Petitioner is not fair and no reasonable opportunity was given to him in the enquiry. Principles of natural justice which is essential in fair hearing, which in broader sense includes an impartial adjudication and a fair procedure. Any person against whom an action is proposed to be taken or whose right or interest is being affected should be given reasonable opportunity. This principle was not followed in the domestic enquiry. The Respondent/Management purposely failed to present the complaint of Selvakumar in the enquiry. The enquiry is vitiated since the Respondent and the Enquiry Officer refused to allow the assistance of an advocate on the side of the Petitioner in the enquiry. The request of the Petitioner to engage an advocate to assist him in the enquiry is only reasonable request when especially the Respondent was represented by a legally qualified and a person well versed in domestic enquiry. This reasonable request has been turned down without any valid reasons. Thus, reasonable opportunity was denied to him. A handwriting expert was examined on the side of the Respondent. Therefore, the Enquiry Officer and the Respondent prevented the assistance of an advocate to the Petitioner. If an advocate is engaged, then he could have cross examined the handwriting expert in such a way that the Petitioner is not the author of any alleged forged document. The Petitioner is fitted against a legally qualified handwriting expert. Hence, the domestic enquiry is one sided and the denial of reasonable opportunity totally vitiated the domestic enquiry. The complainant himself acted as the management representative and also as a witness in the enquiry. The complainant is the person who gave the false complaint without any evidence or material and who procured subsequent complaint from Selvakumar acted as a witness and the management representative adopted all methods to justify his false complaint. It is well settled that the complainant cannot be the management representative. This basic principle was given a go by and the Manager actually acted as an interested person to prosecute the Petitioner, since he gave the false complaint in the very beginning and hence, the domestic enquiry is not fair and proper. This shows that the Enquiry Officer acted in a partial manner and hence the enquiry is not fair and the finding is also perverse. The enquiry finding is a perverse and one sided one. The Enquiry Officer instead of acting as a fact finding authority in a partial manner as dictated by the management representative gave a perverse finding against the Petitioner to please the Respondent. After the Enquiry Officer gave the findings, it is mandatory on the part of the

Respondent to furnish a copy of the findings of the Enquiry Officer, so that the Petitioner will be able to go through and come to a conclusion whether Enquiry Officer took all material oral and documentary evidence and other aspects to arrive his conclusions. The Respondent wilfully failed to furnish a copy of the enquiry findings. Due to non-furnishing of a copy of the enquiry findings, the Petitioner was mostly prejudiced and affected very much. The prejudice caused cannot be set right later on. If the copy of the finding was given earlier, then he could have even demonstrated how and why the said findings cannot be relied upon to take any action against him and even the Disciplinary Authority could have come to a different conclusion. Hence, on the ground of non-furnishing a copy of enquiry proceedings to the Petitioner before imposing the punishment, the order of dismissal is liable to be set aside. The alleged charge is that the Petitioner cheated one Selvakumar by issuing some bogus order and received money and misused and misrepresented the Office Manager (P & A) and thereby tarnished the image of the Office Manager. Thus, the alleged charges are one thing and the misconduct enumerated in clause 22(6) and (8) are another thing. Thus, the alleged misconduct framed against the Petitioner is in no way connected with the misconduct enumerated in clause 22(6) and (8) of the Standing Order. The punishment imposed on the basis of the charge which is not connected with the misconduct enumerated in clause 22(6) and (8) of the Standing Order is illegal and against law and is liable to be set aside. The Enquiry Officer instead of acting as a impartial fact finding authority acted partially to favour the Respondent. The Enquiry Officer did not apply his mind and acted mechanically. He failed to take into consideration the relevant factors and oral and documentary evidence. The Enquiry Officer ought to have seen that the complainant Selvakumar was not examined. The original appointment order said to have been created by the Petitioner was not produced in the enquiry. In the absence of original order and in the absence of Sri-Selvakumar's deposition, the Enquiry Officer totally on some irrelevant things came to a perverse conclusion. There is no direct or indirect oral or documentary evidence against the Petitioner. The Enquiry Officer merely relied on a xerox copy without examining Sri Selvakumar. The xerox copy was a creation of the Manager who in order to establish his false complaint given earlier. The various documents produced are self same creation of the Manager and the said documents nowhere establish that the incident happened as alleged. The evidence of handwriting expert cannot be relied on when especially, she herself admitted that she proceeded with the report only on the basis of the xerox copy of the alleged appointment order. The Enquiry Officer merely on the basis of the said expert opinion came to a perverse conclusion that the charges are proved in the enquiry. The Enquiry Officer came to a wrong conclusion that the alleged appointment order has been prepared by the Petitioner. There is no direct evidence or indirect oral or

documentary evidence to show that the alleged appointment order has been prepared by the Petitioner. The original of the alleged appointment order was not produced and marked in the enquiry. The person said to have been received and alleged appointment order was not examined in the enquiry. In the absence of all these, the Enquiry Officer totally on some irrelevant aspect without any oral documentary evidence came to a perverse conclusion to please the Respondent. The contractor in order to continue the contract with the Respondent came forward with a false story and his statement cannot be acceptable one since he is only an interested witness. The said contractor is no way connected with the alleged incident and he is a third party and when the Petitioner asked for an opportunity to cross examine the said Ramar, the Enquiry Officer refused to give an opportunity. Thus, relying on the evidence of Ramar is totally perverse approach adopted by the Enquiry Officer and his finding is a perverse one and the punishment based on the perverse finding is liable to be set aside. The Disciplinary Authority failed to consider all these aspects before issuing the order of termination. The Disciplinary Authority merely accepted the findings without applying his mind independently. The meritorious service of the Petitioner was not considered by the Respondent before issuing the order of termination. Hence the order of termination is illegal and against law. This Hon'ble Court has got ample powers under section 11A of the Industrial Disputes Act, 1947 to interfere with the order of dismissal. Hence, it is prayed that this Hon'ble Court may be pleased to pass an award holding that the non-employment of the Petitioner is not justified and consequently direct the Respondent to reinstate the Petitioner in service with continuity of service, back wages and all other attendant benefits.

3. The averments in the Counter Statement filed by the II Party/ Management M/s. Kilburn Chemicals Ltd. Tuticorin, (hereinafter refers to as Respondent) are briefly as follows:—

The Respondent is a company incorporated under the Companies Act, 1956 and has established a factory at Tuticorin which is engaged in the manufacture of chemicals. The Petitioner was appointed as a Process Operator in the factory of the Respondent. On 14-2-2000 a charge memo was issued to the Petitioner alleging his misconduct. Further Mr. S. Ramar of Ramco manpower, under whose employment Sri P.Selvakumar was working submitted a complaint stating that he was working with him for a few years and from his the Petitioner had obtained Rs.26,000 for getting a permanent job in the company. S. Raman had come to know this fraud only on 31-1-2000. On the same day, he went and asked Sri Selvakumar who told him that the Petitioner had obtained amount from him for getting a job in the company. When Ramar asked Selvakumar whether the amount was given back to him. Selvakumar showed

Ramar a cheque given by the Petitioner dated 11-2-2000 and Ramar had attached the xerox copy of the cheque along with this complaint and asked the Respondent/ Management to take suitable action against the Petitioner for cheating Sri Selvakumar. By typing Manager (P & A) in that letter, the Petitioner had tried to forge his signature and misused his office through the undated letter, which the Petitioner has given to Selvakumar and the Manager has enclosed that letter along with his complaint to the management and requested to take appropriate action. The management received all these complaints against the Petitioner and issued a charge memo to the Petitioner for his commission of serious misconduct under clause 21 sub-clause 6 and 7 of the certified Standing Orders. This sort of misconduct not only tarnish the image of the company and also erode the basic discipline of the factory. The Petitioner submitted his explanation dated 20-2-2000, but since his explanation was not found to be satisfactory, the Respondent/Management decided to conduct a domestic enquiry. Accordingly, a domestic enquiry was conducted. In the domestic enquiry four witnesses were examined and 28 documents were marked. The Petitioner did not produce any witness or file any documents. He also did not choose to examine himself. After the witnesses Mr. S.Ramar was examined in Chief, the Petitioner was requested to cross examine him, but the Petitioner stated that there was no cross examination. Apart from four witnesses, one Miss. C.V.Jayadevi, handwriting expert was examined and she was cross examined by the Petitioner. The Enquiry Officer submitted a detailed report dated 30-6-2000 in which he held that the charges levelled against the petitioner were proved beyond reasonable doubt. It at any stage of the proceedings, this Hon'ble Court comes to a conclusion that domestic enquiry is vitiated on any account or that the findings are perverse or that the findings are not borne out by the evidence on record, the management craves leave to let in additional evidence before this Tribunal to sustain with the charges against the Petitioner. On receipt of the report of the Enquiry Officer, the management carefully considered the same and independently came to the conclusion that the charges were proved against the Petitioner. In view of the serious nature of the charges and in view of the past conduct of the Petitioner a decision was taken to terminate the services of the Petitioner and accordingly, by an order dated 1-9-2000 the services of the Petitioner were terminated. An appeal filed by the Petitioner was also rejected and in these circumstances the present dispute has been raised. The statement of the Petitioner that he had unblemished service with this Respondent is denied. For his misconduct and negligence, he had been issued with charge sheet on many occasions and the Respondent had warned him in order to rectify himself. The enquiry was conducted without violating the principles of natural justice. The Petitioner was given sufficient opportunity to produce documents, to cross examine the witnesses and to produce his witness and to give his

statement. But other than cross examining the complainant's and management's witnesses, the Petitioner has not utilised the other opportunities given to him. The enquiry proceedings are meant for fact finding and not governed by any statutes. The issues were of simple and not complicated. So far this nature of issues and enquiry thereof, the engagement of advocate is not necessary and mandatory and also the Petitioner has no right to be represented by an advocate in the departmental proceedings. Certified Standing Orders of the Respondent contemplates in clause 23 sub-clause (e) that *he shall be given an opportunity to answer the charges and permitted to be defended only by himself or by co-worker or by Union. No outsider will be permitted to represent the workman concerned in any capacity at domestic enquiry.* The departmental enquiry would not be bad only for reason that assistance of advocate to the Petitioner was not provided and when the standing orders contemplate that the Petitioner could avail of the assistance of a co-representative of his choice in departmental proceedings he had no right to be represented by an advocate in such proceedings. In the enquiry, there was no Presenting Officer appointed by the Respondent. The Manager (P&A) was not a witness but one of the complainants. The enquiry was not vitiated and principles of natural justice was not violated. A copy of the handwriting expert report was given to the Petitioner on 14-6-2000. But the Petitioner came to the Respondent's office on 10-6-2000 and took a hand written copy of the report. Therefore, the Petitioner was given an opportunity to take a handwritten copy of the report as well as given a copy of the original report. Therefore, there is no *bona fide* in the allegation. The Enquiry Officer has duly applied his mind and submitted his findings. An enquiry report is a quasi judicial report held according to principles of natural justice and Enquiry Officer has acted judicially. He had applied his mind to the evidence and discussed the evidence in his report. He has assigned the reasons why the evidence produced by the complainants appealed to him. Therefore, the termination order given to the Petitioner is a speaking order in the sense, that the conclusions were supported by reasons by the Enquiry Officer. The Enquiry Officer's findings are based on evidence and such evidence is reasonably supported by conclusions. The standard of proof and the scope of enquiry are different from that of criminal trial. Neither technical rules or evidence nor doctrine of proof beyond reasonable doubt has any application. Non-furnishing of the report of the Enquiry Officer would not vitiate the order of punishment. No prejudice has been caused to Petitioner on account of the fact that the report was not communicated. Moreover, he filed an appeal against the order of termination and by that time, he had already received the copy of the report of Enquiry Officer. Even in the appeal, the Petitioner never took the plea that he had been prejudiced by the inaction to furnish the report of the Enquiry Officer. In the Claim

Statement also, no prejudice has been claimed by the Petitioner. In the absence of any prejudice, the failure on the part of the Respondent/Management to furnish the copy of the report of Enquiry Officer, prior to imposition of the penalty would not vitiate the final order of termination. There are no merits in the claim petition and the same is liable to be dismissed. Hence, it is prayed that this Hon'ble Tribunal may be pleased to dismiss the claim petition.

4. When the matter was taken up for enquiry, the documents filed by the Petitioner, have been marked by consent as Exr. W 1 to W 3 and no witness has been examined on the side of the I Party/Workman. On the representation made by the counsel for the I Party, one witness for the management by name Mr. Ramar, who was examined earlier before Enquiry Officer but not cross examined by the Petitioner/Workman as the charge sheeted employee was recalled and cross examined by the counsel for the I Party. On the basis of the memo filed by the counsel for the I Party. Then the handwriting expert who was examined before the Enquiry Officer earlier and has not been cross examined by the Petitioner/Workman as charge sheeted employee, has been summoned before this Court and was cross examined by the counsel for the I Party/Workman. On the side of the management 24 documents were marked as Ex. M 1 to M 24. The argument advanced by the learned counsel for the II Party/Management was heard. The counsel for the I Party/Workman has filed his written arguments.

5. The point for my consideration is :—

"Whether the action of the management of M/s. Kilburn Chemicals Ltd. Tuticorin, in terminating the services of Sri P. Alagiri, Process Operator is legal and justified? If not, what relief the concerned workman is entitled to?"

Point:—

This dispute has been raised by the I Party/Workman Sri P. Alagiri, who was working as Process Operator in the II Party/Management M/s. Kilburn Chemicals Ltd., Tuticorin, for the action of the II Party/Management in terminating his services as illegal and unjustified. It is admitted that the Petitioner/Workman Sri P. Alagiri was appointed as a Process Operator in the factory of the Respondent and he was a permanent employee of the II Party/Management. It is also admitted that the Petitioner was issued a charge memo dated 14-2-2000 by the Respondent for the alleged acts of misconducts. The xerox copy of the charge memo is Ex. M 10. It is alleged that one Sri P. Selvakumar was working under Ramar Contractor for the past five years and on 26-11-99 when he was working at ETP the Petitioner approached and told him that there were three vacancies in the company and if Rs.26,500/- is paid to Company Manager the job can be obtained and

that the said Sri P. Selvakumar told the Petitioner that he did not have that much of amount and on the same day at about 7.00 pm the Petitioner went to Sri P. Selvakumar's house and told his parents that Sri P. Selvakumar was like the Petitioner's brother and the Petitioner intended to get him a job in the company and hence Sri P. Selvakumar's parents agreed to this and that on the next day, i.e. 27-11-99, the paternal uncle of Sri P. Selvakumar Mr. Shanmugam pledged 7 savarans of jewels and obtained Rs. 24,000/- and gave the money to the Petitioner on the same day and that after a week, Sri P. Selvakumar gave the Petitioner Rs. 1500/- and Rs. 850/- the wages he has received and thus, he had given the Petitioner Rs. 26,350/- for getting the job and that on the day when the Petitioner received money from Sri P. Selvakumar i.e. on 27-11-99 the Petitioner had obtained two copies of photos and six copies of photos on 10-12-99 and that after one and half month the Petitioner went to Sri P. Selvakumar's house and gave him a cover and asked him to join duty w.e.f. 27-1-2000 and that on the same day when Sri P. Selvakumar showed the letter given by the Petitioner to his paternal uncle Durairaj and his son, they read the letter and told Sri P. Selvakumar that the letter was not an appointment letter but it looks like a memo and that they have told Sri P. Selvakumar further that he was cheated and advised Sri P. Selvakumar to get back the money. Then only Sri P. Selvakumar had come to know that the Petitioner had cheated him and has given a complaint to the management that the Petitioner had cheated him and obtained money in pretext of getting a job and that S. Ramar of Ramco manpower gave a complaint that Sri P. Selvakumar was working with him for two years and from him the Petitioner had obtained Rs. 26,000/- for getting a permanent job in the company and he came to know this fraud only on 31-1-2000 and when he went to ask Sri P. Selvakumar he was informed by him that the Petitioner had obtained the amount from Sri P. Selvakumar for getting the job in the company and when Ramar asked Sri P. Selvakumar as to whether the amount was given back to him Sri P. Selvakumar showed to Ramar a cheque dated 11-2-2000 given by the Petitioner and Ramar had attached the xerox copy of the cheque along with his complaint and had asked the management to take suitable action against the Petitioner for cheating Sri P. Selvakumar and that the Manager (P & A) Sri S. Michael Nicholas had also lodged a complaint that the Petitioner had misrepresented him by typing Manager (P & A) in that letter and the Petitioner had tried to forge his signature and thus the Petitioner had misused his office to the undated letter, which the Petitioner had given to Sri P. Selvakumar and that the said Manager had enclosed that letter along with his complaint to Respondent/Management and requested Respondent/Management to take appropriate action against the Petitioner and that the Petitioner had committed a serious misconduct under clause 21 sub-clause (6 & 8) of the Respondent Companies certified Standing Orders and that such sort of misconduct of the Petitioner not only tarnished

the image of the company and also erode the basic discipline of the factory which is liable for severe punishment. For this charge memo, the Petitioner has submitted his explanation dated 20-2-2000. The xerox copy of the same is Ex.M11. Since the explanation was not found to be satisfactory, the Respondent/Management decided to conduct domestic enquiry. Accordingly, an enquiry notice dated 27-3-2000 was issued to the said Sri P. Selvakumar directing him to appear for enquiry on 3-4-2000. The xerox copy of that notice is Ex.M12. That notice was sent to him by registered post. The xerox copy of the postal receipt for the same is Ex.M13. The registered postal cover sent to said Selvakumar returned unserved with the postal endorsement 'addressee not claimed—so returned to sender'. The xerox copy of the returned cover with postal endorsement is Ex.M14. The bogus appointment letter said to have been issued to Sri P. Selvakumar by the Petitioner has been marked as ME in the domestic enquiry. The xerox copy of the same is Ex.M24. The xerox copy of the complaint made by the Manager dated 5-2-2000 is Ex.M6. The xerox copy of the complaint dated 11-2-2000 given to the Respondent/Management by Ramar is Ex.M7. The xerox copy of the current account Co-operative Bank cheque dated 11-2-2000 drawn on P. Thangasamy by one Mr. Parthasarathy for Rs. 28,000/- is Ex.M8. The xerox copy of the complaint made by Sri P. Selvakumar dated 11-2-2000 is Ex. M9. It is not disputed that in the domestic enquiry four witnesses were examined on the side of Respondent/Management and 28 documents were marked but the Petitioner as delinquent employee had not produced any witness and filed any documents before the Enquiry Officer. It is admitted that the said Ramar who has been examined as a witness in the domestic enquiry has not been cross examined by the Petitioner. The xerox copy of the enquiry proceedings is Ex. M21. It is seen from that proceedings that the said Ramar contractor has been examined as first witness for the management in the domestic enquiry along with the Petitioner, the charge sheeted employee, the co-employee one Sri K. Shankar had also taken part as per the written request of the Petitioner and on all the proceedings of the delinquent employee, the Petitioner and his co-employee Shankar had subscribed their signatures. It is admitted that handwriting expert, who gave the report has not been examined as a witness before the domestic enquiry. So, at the request of the Petitioner through his counsel appeared before this Tribunal, the first witness in the domestic enquiry Mr. Ramar was recalled and he was cross examined by the counsel for the Petitioner before this Tribunal. Like that on the request of the Petitioner through his counsel, the handwriting expert also was summoned and examined as a management witness before this Tribunal. So, the Petitioner's contention in his Claim Statement that he was not given the opportunity of cross examining the first witness Mr. Ramar and also to cross examine the handwriting expert with the help of an advocate has been complied with before this Tribunal by examining

them here before this Tribunal. So by this reasonable opportunity has been given to the Petitioner, which, he had stated in the Claim Statement, was not given to him in the domestic enquiry. It is alleged that the Petitioner gave the said appointment letter to Sri P. Selvakumar. Then a complaint has been preferred on this misconduct said to have been committed by the Petitioner by the Manager under Ex. M6. Another complaint also has been given by Ramar the first witness in the enquiry under Ex. M7. The said Ramar has also given oral evidence and he has been cross examined by the Petitioner's counsel before this Tribunal. It is also seen that with the dictation of one Sri P. Selvakumar the complaint has been written by a co-employee Balasubramaniam and the xerox copy of the same is Ex. M9. That Balasubramaniam also has been examined as a witness in the domestic enquiry as a fourth witness for the management. He has been duly cross examined by the Petitioner. That Balasubramaniam has given evidence that he wrote the complaint of Sri P. Selvakumar to his dictation and Sri P. Selvakumar has subscribed his signature and the same is original of Ex. M23. So, it is seen from the materials that after receipt of three complaints the management has issued the charge sheet to the Petitioner under Ex. M27 calling upon him to submit his explanation for which he has submitted his explanation under Ex. M11, as the management has not found it satisfactory, a domestic enquiry has been conducted. The xerox copy of the domestic enquiry proceedings is Ex. M21. As stated earlier, the opportunity that was not given to the Petitioner in the domestic enquiry for cross examining the first witness Ramar and the handwriting expert through his counsel have been given to the Petitioner before this Tribunal and accordingly, he availed that opportunity and had cross examined both the witness Ramar and the Handwriting Expert. It is the contention of the Petitioner that he has not committed any misconduct as alleged in the charge memo and he had some money transaction with Sri P. Selvakumar and he has also returned that amount received from him and he has not committed any act of cheating as alleged and he has not given any appointment order and the signature available in the document as that of Company Manager is somebody else signature and he has not given such appointment order to Sri P. Selvakumar. On the other hand, it is the definite contention of the Sri P. Selvakumar in his complaint under Ex. M9 that the Petitioner only came to him and demanded him money for securing a job in the Respondent/Management company and so he had parted with the money and the Petitioner only had given the appointment order to him which ultimately made known as a bogus document. So, under such circumstances, the burden is on the employee to prove that he is no way connected with the charges. The Petitioner himself admitted in his explanation Ex. M11 that the signature in the alleged appointment order is not that of the Company Manager. The complaint given by Sri P. Selvakumar written to his dictation by Balasubramaniam has given evidence to that

effect in the domestic enquiry. He has clearly spoken to that fact. Nothing has been elicited in the cross examination of Balasubramaniam to discredit his evidence in Chief in respect of the complaint of Sri P. Selvakumar. Apart from that evidence, the evidence of Manager Mr. Michael Nicholas, Ramar and another witness Ulaganathan and the Handwriting Expert are available in this case. In Ex. M6 complaint, the Manager Michael Nicholas has stated about the information he had received in respect of the Petitioner obtained money and issued one appointment letter to one Sri P. Selvakumar the contract labourer working under Ramar contract and that he instructed Mr. Ulaganathan who gave the information to get original or xerox copy of the alleged appointment letter from Sri P. Selvakumar and accordingly a xerox copy of that letter was obtained from Sri P. Selvakumar since Sri P. Selvakumar was not willing to give the original and that letter has been marked as Ex. M25. Like that the labour contractor Mr. Ramar MW1 also has spoken about this aspect and preferring his complaint under Ex. M7. It is also seen that Ex. M9 complaint of Sri P. Selvakumar was given by him in the company and the same was written by the management witness Mr. Balasubramaniam to his dictation. All these facts have not been disputed. Contra to these evidences, no evidence 'has been let in by the Petitioner in support of his contention that he has not committed the act of misconduct. He has not filed any document nor even examined himself as a witness. For his contention that he had a private transaction has not been proved either before Enquiry Officer or before this Tribunal. The concerned complainant Sri P. Selvakumar has not been examined. It is seen from the available records that Respondent/Management has taken proper efforts to examine him as a witness in the domestic enquiry. The returned cover filed before the Enquiry Officer clearly shows that Sri P. Selvakumar had refused to come and give evidence before the Enquiry Officer. On the basis of the explanation given by the Petitioner to the charge memo, it is seen that the burden is upon the Petitioner to disprove the charge by proving his stand that it is a private transaction and he has not done anything as a misconduct as alleged in the charge memo. While cross examining the witnesses Ramar, the contractor and Handwriting Expert, nothing has been elicited by the Petitioner to discredit their evidence in Chief. It is the clear evidence of Handwriting Expert that the questioned signatures marked as Ex. D1 and D2 have been put by the person who has signed as P. Alagiri, the admitted signatures marked as S1 to S9. So she has given her opinion that both the disputed signatures and admitted signatures have been written by one and the same person. For that conclusion, she has given all reasons in detail in her expert opinion report Ex. M15. From the report of the Handwriting Expert, it is proved by the Respondent/Management that one such bogus letter has been created by the Petitioner to hand it over to Sri P. Selvakumar as he has mentioned in his complaint. In addition to that other supportive evidences are available

by way of oral and documentary in this case to come to a conclusion that the Petitioner only had indulged in commission of such misconduct as alleged in the charge memo. Learned counsel for the Respondent/Management has relied upon a judgement reported as 1998 II LLJ 107 a case decided by the Hon'ble Supreme Court between ORISSA MINING CORPORATION AND ANOTHER and ANANDA CHANDRA PRUSTY and had advanced an argument stating that in the disciplinary enquiry, if the delinquent employee gives an explanation to the charge memo, that the alleged misconduct has been construed on the basis of a different transaction, the burden of proof may be shifted to the delinquent officer depending on his explanation and that as per the decision of the Supreme Court in the cited case, the burden is shifted to the Petitioner; on the basis of the nature of the explanation put forwarded by him for the charges levelled against him. This argument of the learned counsel for the Respondent/Management can be accepted as correct on the basis of the materials available in this case and on the basis of the decision of the Supreme Court in the above cited case.

6. It is contended by the Petitioner in his Claim Statement that there is no direct evidence to show that the alleged appointment order has been prepared by the Petitioner and further the original of the alleged appointment order was not produced and marked in the enquiry and the person said to have been received the appointment order was not examined in the enquiry and in the absence of all these, the Enquiry Officer without any oral or documentary evidence came to a perverse conclusion. From the materials available in this case, it is seen that all steps have been taken by the Respondent/Management to get at that Sri P. Selvakumar to whom the alleged appointment order was given by the Petitioner as a witness in the domestic enquiry, it is proved with acceptable evidence that the Respondent/Management was not successful on that account, because of the refusal of that Sri P. Selvakumar to come as a witness before the Enquiry Officer by refusing to receive that notice by registered post as 'unclaimed'. There is evidence available to that effect that Sri P. Selvakumar refused to hand over the original document, but has given only the xerox copy of the alleged appointment order. From all these things coupled with other linking evidence, the Respondent/Management was able to prove that the alleged act of misconduct has been committed by the Petitioner. Hence, it cannot be said that the findings of the Enquiry Officer is without any basis or without any evidence and it is a perverse finding.

7. Another contention has been taken by the Petitioner in his Claim Statement that he was not furnished with the copy of the Enquiry Officer's report and due to the non-furnishing of copy of enquiry findings, the

Petitioner was mostly prejudiced and affected very much and if the copy of the finding was given earlier, the Petitioner could be in a position to convince the Disciplinary Authority to draw his attention to the perversity committed by the Enquiry Officer and hence the findings cannot be relied upon to take an action against him and the Disciplinary Authority could have come to a different conclusion. For this contention, the Petitioner has not shown as how he is prejudiced by non-furnishing of the Enquiry Officer's report. Before this Tribunal also, the Petitioner has not shown as what prejudice had been caused to him for not furnishing the Enquiry Officer's report to him. In a case reported as 1997 WLR 565 the Hon'ble High Court of Madras has held that "non furnishing of an enquiry report to the delinquent employee can by itself will not cause any prejudice to the employee. It is for the employee to establish that prejudice has been caused for the non-furnishing of enquiry report to him." The Supreme Court has held in a case reported as AIR 2001 SC 2400 ORIENTAL INSURANCE CO. Vs. S. BALAKRISHNAN that "non-furnishing of enquiry report to delinquent employee, when there is no prejudice is caused to the delinquent, disciplinary proceedings cannot be said to be vitiated. Hence the dismissal order passed therein is not liable to be interfered with." This decision of the Supreme Court is squarely applicable to the facts of this case, since the Petitioner/Workman has not established before this tribunal as to how the non-furnishing of the enquiry report has caused prejudice to him. Further, the documentary evidence filed by the Respondent/Management in respect of his past misconduct also shows that the action taken by the Respondent/Management for the proved misconduct of the Petitioner as alleged in the charge memo is valid and correct. The proved misconduct of the Petitioner as contended by the learned counsel for the Respondent/Management not only tarnished the image of the company and also erode the basic discipline of the factory and hence, such a misconduct is deserved to be dealt with severe punishment and that was why the Respondent/Management had considered it as a serious misconduct under clause 21 sub-clause (6 & 8) of certified standing orders. This argument of the learned counsel for the Respondent/Management can be accepted as correct and on that basis it can be concluded that the action of the Respondent/Management in terminating the services of the concerned workman Sri P. Alagiri is legal and justified and the punishment imposed by the Respondent/Management against the Petitioner/Workman for his proved misconduct is commensurate with the gravity of the misconduct. Hence the concerned workman is not entitled for any relief. Thus, the point is answered accordingly.

8. In the result, an Award is passed holding that the concerned workman Sri P. Alagiri is not entitled for any relief. No Cost.

(Dictated to the Stenographer, transcribed and typed by him, corrected and pronounced by me in the open court on this day the 18th November, 2002.)

K. KARTHIKEYAN, Presiding Officer

Witnesses Examined :—

For the I Party/ Workman : None

For the II Party/Management : MW1 Sri S. Ramar, Contractor.

MW2 Ms. C. V. Jayadevi, Handwriting Expert.

Documents Exhibited:-

For the I Party/Workman:-

W1 Nil Xerox copy of the letter from the Petitioner to Respondent.

W2 02.06.2000 Xerox copy of the letter from the Petitioner to Respondent.

W3 14.06.2000 Xerox copy of the letter from the Petitioner to Respondent.

For the II Party/Management:-

M1 23.11.99 Xerox copy of the information pertaining to Petitioner and his family details submitted by Petitioner.

M2 Nil Xerox copy of the entries in Log Book.

M3 Nil Xerox copy of the vehicles in/out register maintained by Respondent.

M4 01.02.2000 Xerox copy of the trip sheet of contract carriages.

M5 02.02.2000 Xerox copy of the Trip sheet - jeep.

M6 05.02.2000 Xerox copy of the complaint made by Manager (P & A) to President, M/s. Kilburn Chemicals Ltd.

M7 11.02.2000 Xerox copy of the letter from the contractor Sri S. Ramar Against the Petitioner.

M8 11.02.2000 Xerox copy of the cheque for Rs.28,000/- issued in the name of P. Thangasamy.

M9 11.02.2000 Xerox copy of the complaint given by Sri P. Selvakumar To President, M/s. Kilburn Chemicals Ltd.

M10 14.02.2000 Xerox copy of the chargesheet issued to Petitioner.

M11 20.02.2000 Xerox copy of the letter from the Petitioner to Respondent.

M12 27.03.2000 Xerox copy of the enquiry notice issued to Sri P. Selvakumar.

M13 28.03.2000 Xerox copy of the postal receipt.

M14 27.03.2000 Xerox copy of the postal acknowledgement card.

M15 25.04.2000 Xerox copy of the handwriting expert opinion.

M16 Nil Xerox copy of the signatures of the Petitioner.

M17 29.05.2000 Xerox copy of the letter from Handwriting Expert to Manager M/s. Kilburn Chemicals Ltd.

M18 Nil Xerox copy of the salary register containing the signature of the Petitioner.

M19 Nil Xerox copy of the letter from the Petitioner to General Manager, M/s. Kilburn Chemicals Ltd.

M20 14.10.1999 Xerox copy of the warning letter issued by the Respondent To Petitioner.

M21 28.02.2000 27.6.2000 Xerox copy of the enquiry proceedings.

M22 30.06.2000 Xerox copy of the enquiry report in Tamil & English version.

M23 01.09.2000 Xerox copy of the order of termination issued to Petitioner.

M24 Jan. 2000 Xerox copy of the letter from Respondent to Petitioner.

नई दिल्ली, 24 दिसम्बर, 2002

का. आ. 322 .—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार सी. बी. स्टेन वर्क्स के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, धनबाद सं. 1 के पंचाट (संदर्भ संख्या 167/1999) को प्रकाशित करती है, जो केन्द्रीय सरकार को 23-12-2002 को प्राप्त हुआ था।

[सं. एल-29011/26/99-आई.आर. (विविध)]

बी. एम. डेविड, अवर सचिव

New Delhi, the 24th December, 2002

S. O. 322.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 167/1999) of the Central Government Industrial Tribunal-cum-Labour-Court, Dhanbad No. 1 as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Cee Bee Stone Works and their workman, which was received by the Central Government on 23-12-2002.

[No. L-29011/26/99-IR (M)]

B. M. DAVID, Under Secy.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. I, DHANBAD.

In the matter of a reference under Sec. 10(1)(d)(2A) of the Industrial Disputes Act, 1947.

Reference No. 167 of 1999.

Parties : Employers in relation to the management of M/S. Cee Bee Stone Works, Prop. Parsuram Belani.

AND

Their Workmen.

Present : Shri S.H. Kazmi,
Presiding Officer.

Appearances :

For the Employers : Shri C. Prasad, Advocate.

For the Workmen : Md. Equbal, General Secretary, Bihar Quarry Mazdoor Sangh.

State : Jharkhand Industry : Stone.

Dated, the 11th December, 2002

AWARD

By Order No. L-29011/26/99/IR(M) dated 10-9-1999 the Central Government in the Ministry of Labour has, in exercise of the powers conferred by clause (d) of sub-section (1) and sub-section (2A) of Section 10 of the Industrial Disputes Act, 1947, referred the following dispute for adjudication to this Tribunal :

“Whether the workmen S/Shri Rasuka Hansda, Lakhan Membram, Ranjeet Marandi and Lakhan Hansda worked for more than 240 days in a year ? If yes, whether the action of the management of M/s. Cee Bee Stone Works Pakur in terminating their services is justified ? If not, to what relief these workmen are entitled ?”

2. By filing a memorandum of settlement jointly signed by both the parties it has been submitted that the parties have already settled the dispute outside the Court on certain terms and conditions which are incorporated in the said memorandum of settlement. A prayer has been made for final disposal of this reference in terms of the said settlement.

Having gone through the memorandum of settlement it appears that the settlement has been arrived at fairly and properly. Thus, this reference with the consent of both the sides is finally disposed of in terms of the said settlement.

Accordingly, an award is made in terms of the settlement. The memorandum of settlement shall form part of the award.

S.H. KAZMI, Presiding Officer

Before : The Presiding Officer,
Central Govt. Industrial Tribunal No. 1
Dhanbad.

Ref. No. 167/99.

Employers in relation to the management of M/s. Cee Bee Stone Works, Prop. Parshuram Belani, Pakur, Dist. Pakur.

AND

Their workmen represented by Bihar Quarry Mazdoor Sangh.

Memorandum of Settlement.

1. That, the Central Govt. being of opinion that an industrial dispute exists between the management of M/s. Cee Bee Stone Works, Prop. Parsuram Belani, Sindhipara, Pakur-816107 and their workmen represented by Bihar Quarry Mazdoor Sangh, P.O. & District Pakur (Jharkhand), referred the matter for adjudication vide Ministry of Labour, Govt. of India's Order No. L-29011/26/99/IR(M) dated 10-9-1999 on the Schedule mentioned below :

“Whether the workmen S./Shri Rasuka Hansda, Lakhan Membram, Ranjeet Marandi and Lakhan Hansda worked for more than 240 days in a year ? If yes, whether the action of the management of M/s. Cee Bee Stone Works, Pakur, in terminating their services is justified ? If not, to what relief these workmen are entitled ?”

2. That, the present Reference has been sponsored by the Union in respect of the concerned workmen to justify their action in terminating them. It is also to justify whether the concerned workmen worked for more than 240 days in a year.

3. That, Union and the employers settled their disputes amicably and all the concerned workmen were paid their wages and the employers fulfilled the grievances raised by the Union.

4. That, the Union agreed that the concerned workmen will not be taken in employment. The concerned workmen have been paid their wages in lieu thereof.

5. That, Union and employers pray for passing the award in terms of the settlement mentioned above and both parties do not want to proceed further in this reference.

It is, therefore, prayed that your honour may graciously pleased to pass the Award in terms of the settlement.

Part of the Award

Md. Equbal

Representative of the
Union

Jitender Bellani

Representative of the
Employers.

नई दिल्ली, 24 दिसम्बर, 2002

का. आ. 323.— औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार हिन्दुस्तान पेट्रोलियम कार्पो. लि. के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, हैदराबाद के पंचाट (संदर्भ संख्या 169/2002) को प्रकाशित करती है, जो केन्द्रीय सरकार को 23-12-2002 को प्राप्त हुआ था।

[सं. एल-30011/42/2000-आई.आर. (विविध)]

बी. एम. डेविड, अवर सचिव

New Delhi, the 24th December, 2002

S. O. 323.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 169/2002) of the Central Government Industrial Tribunal-cum-Labour Court, Hyderabad as shown in the Annexure in the Industrial Dispute between the employers in relation to the Management of Hindustan Petroleum Corp. Ltd. and their workman, which was received by the Central Government on 23-12-2002.

[No. L-30011/42/2000-IR (M)]

B. M. DAVID, Under Secy.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL CUM LABOUR COURT AT HYDERABAD

PRESENT: SHRI E. ISMAIL

Presiding Officer

Dated the 24th October, 2002

INDUSTRIAL DISPUTE No. 169/2002

(Old No. ITID(C) 27/2000 transferred from Industrial
Tribunal cum Labour Court, Visakhapatnam)

Between:

The General Secretary,

Petroleum Workers Union (Visakha Refinery),

Hindustan Petroleum Corp. Ltd.,

Visakha Refinery, P.O.B. No. 15,

Malkapuram, Visakhapatnam-530011.Petitioner

AND

The Chief General Manager,

Hindustan Petroleum Corp. Ltd.,

Visakha Refinery, P.O.B. No. 15,

Malkapuram, Visakhapatnam-530011.Respondent

Appearances:

For the Petitioner :

M/s V.S.N. Sastry, K.
Venkatesh & S.S.
Prasada Rao,
Advocates

For the Respondent:

M/s K. Srinivasa
Murthy, V. Umadevi &
C. Vijaya Shekar
Reddy, Advocates

AWARD

The Government of India, Ministry of Labour by its order No. L-30011/42/2000-IR(M) dated 27.7.2000 referred the following dispute under section 10(I)(d) of the I.D. Act, 1947 for adjudication to the Industrial Tribunal cum Labour Court, Visakhapatnam between the management of Hindustan Petroleum Corp. Ltd., and their workman. In view of Government of India, Ministry of Labour's Order No. H-11026/1/2001-IR(C.II) dated 18-10-2001 this case has been transferred to this Tribunal bearing No. ITID (C) 27/2000. The reference is.

SCHEDULE

"Whether the demand of the Petroleum Workers Union (Visakha Refinery), HPCL, Visakhapatnam for increasing the workforce from 6+1 (6 RW 4+1 RW 5) to 9+2 (9 RW 4+2 RW 5) in TPH area in Oil Maintenance Storage Deptt. of Visakha Refinery is legal and/or justified ? If so, to what relief the concerned Union is entitled ?"

The reference is numbered in this Tribunal as I.D. No. 169/2002 and notices issued to the parties.

2. After filing claim statement and Counter by both the Counsels, Respondent filed one IA No. 13/2002 under Section 11 of Industrial Disputes Act, 1947. It is submitted in the memo that the Respondent management and the Petroleum Workers' Union who are the Claimants in the above ID and another Union HPCL Employees Union entered into a settlement signed by the Petroleum Workers' Union on 30-3-2002 and other Union on 23.4.2002 under

Section 18(1) of the Industrial Disputes Act, whereunder all the disputes including the present dispute in the above ID were settled. In view of the Clause (3) of the settlement the present ID is treated as withdrawn as settled. As the IA No. 13/2002 is allowed, a 'Nil Award' is passed. Transmit.

Dictated to Kum. K. Phani Gowri, Personal Assistant transcribed by her corrected and pronounced by me on this the 24th day of October, 2002.

E. ISMAIL, Presiding Officer

Appendix of evidence

Witnesses examined for the Petitioner	Witnesses examined for the Respondent
NIL	NIL

Documents marked for the Petitioner

NIL

Documents marked for the Respondent

NIL

नई दिल्ली, 24 दिसम्बर, 2002

का. आ. 324.— औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार ओमकार मोटर लॉन्च सर्विसेज के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, मुंबई-2 के पंचाट (संदर्भ संख्या 46/2002) को प्रकाशित करती है, जो केन्द्रीय सरकार को 23-12-2002 को प्राप्त हुआ था।

[सं. एल-31011/27/2001-आई.आर. (विधि)]

बी. एम. डेविड, अवर सचिव

New Delhi, the 24th December, 2002

S. O. 324.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 46/2002) of the Central Government Industrial Tribunal-cum-Labour Court, Mumbai No. 2 as shown in the Annexure in the Industrial Dispute between the employers in relation to the Management of Omkar Motor Launch Services and their workman, which was received by the Central Government on 23-12-2002.

[No. L-31011/27/2001-IR (M)]

B. M. DAVID, Under Secy.

ANNEXURE

**BEFORE THE CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL No. II, MUMBAI**

PRESENT

S. N. SAUNDANKAR, Presiding Officer

REFERENCE NO. T-2/46 OF 2002.

**EMPLOYERS IN RELATION TO THE MANAGEMENT
OF M/S. OMKAR MOTOR LAUNCH SERVICES**

M/s. Omkar Motor Launch Service,
The Manager, Mole Station,

Green Gate of Indira Dock,
Mumbai-400038

AND

Their Workmen

Shri Kishor S. Patil,
51, New Ambalal Chawl,
Dr. Annie Besant Road,
Worli, Mumbai-400018

Appearances:

For the Employer : No Appearance

For the Workmen : No Appearance

Mumbai, the 27th November, 2002

AWARD

The Government of India, Ministry of Labour by its Order No. L-31011/27/2001/(IR-M) dtd. 2-05-2002 in exercise of the powers conferred by clause (d) of Sub-section (1) and Sub-section 2 (A) of Section 10 of the Industrial Disputes Act, 1947 have referred the following dispute to this Tribunal for adjudication :

"Whether the claim of Shri Kishore S. Patil that he had worked with M/s. Omkar Motor Launch Services as Khalasi for three years is correct? If so, whether the action of the said management in terminating his services w.e.f. 9-9-99 is legal and justified? If not, what relief the workman is entitled to?"

2. On receipt of the reference this Tribunal issued notices (Exhibit-2) to the management of M/s. Omkar Motor Launch Service and the workman Shri Patil and that they both were served, however though served with notice vide acknowledgment (Exhibit-3&4) they both remained absent on the date fixed on 2-7-02. Consequently matter was fixed on 28-8-02, 25-9-02 and finally today however none appeared nor the workman filed Statement of claim which indicates workman is not interested in prosecuting the reference therefore the following order is passed :—

ORDER

Reference stands disposed of for non-prosecution.

S. N. SAUNDANKAR, Presiding Officer

नई दिल्ली, 24 दिसम्बर, 2002

का. आ. 325.— औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार जे. के. सीमेंट वर्क्स के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण,

जयपुर के पंचाट (संदर्भ संख्या B-28/97, B-16/98, B-18/98) को प्रकाशित करती है, जो केन्द्रीय सरकार को 23-12-2002 को प्राप्त हुआ था।

[सं. एल-29012/90/97-आईआर (एम),
एल-29012/91/97-आईआर (एम),
एल-29012/92/97-आईआर (एम)]

बी. एम. डेविड, अवर सचिव

New Delhi, the 24th December, 2002

S. O. 325.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. B-28/97, B-16/98, B-18/98) of the Central Government Industrial Tribunal-cum-Labour Court, Jaipur now as shown in the Annexure in the Industrial Dispute between the employers in relation to the Management of J. K. Cements Works and their workmen, which was received by the Central Government on 23-12-2002.

[No. L-29012/90/97-IR (M),
L-29012/91/97-IR (M),
L-29012/92/98-IR (M)]

B. M. DAVID, Under Secy.

ANNEXURE

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL CUM LABOUR COURT, JAIPUR

Case No. B-28/97

Reference No. L-29012/92/97-IR (Misc.)

JKC Works Mines M. Ekta Union,
Genl. Secy. C/o JK Cement Work,
PO: Nimbahera, Chittorgarh-312021.

...Applicant Union

Versus

JK Cement Works,
Nimbahera, Dist.: Chittorgarh-21 & Ors.

...Non applicants

Case No. B-16/98

Reference No. L-29012/91/97-IR (M)

JKC Works Mines M. Ekta Union,
Genl. Secy. C/o JK Cement Work,
PO Nimbahera, Chittorgarh-312021.

...Applicant Union

Versus

JK Cement Works,
Nimbahera, Dist.: Chittorgarh-21 & Ors.

... Non applicants

Case No. B-18/98

Reference No. L-29012/90/97-IR (M)

JKC Works Mines M. Ekta Union,
Genl. Secy. C/o JK Cement Work,

PO: Nimbahera, Chittorgarh-312021.

...Applicant Union

Versus

JK Cement Works,
Nimbahera, Dist.: Chittorgarh-21 & Ors.

... Non applicants

Present :

Presiding Officer :	Sh. R. C. Sharma.
For the applicant :	Sh. Yogesh Sharma.
For the non-applicant No. 1	Sh. M. S. Chauhan & Sh. K. N Shrimal
For the non-applicant No. 3	Sh. JK Aggarwal
For the non-applicants No. 2 & 4	None (<i>ex prate</i>)
Date of award :	27-11-2002

AWARD

1. All these three industrial disputes shall be disposed of by this single award, which are that having the similar factual background involving the common facts and issues and the employees and the employer being the same, it has been considered proper to deal with all these three industrial disputes by the judgement.

2. Central Government in exercise of the powers conferred by clause D of sub-Section 1 and sub-Section 2(A) of Section 10 of the Industrial Disputes Act, 1947 (for short, the Act) has referred the following dispute for adjudication to this Tribunal which reads as under :—

“Whether the demand of the union that the workman S/Shri Uchab Singh and 205 others as mentioned in statement marked ‘X’ should be taken on the roll of M/s J.K. Cement Works and made them permanent is fair and just? If Yes, what relief the concerned workmen are entitled to and from what date ?”

3. Succinctly speaking, the facts emerging out from the industrial disputes No. B-28/97 are that the applicant-union through its Secretary has filed a statement of claim that the 206 workman, as named in the list I, are working in the non-applicant company No. 1 from the period of 2—8 years, their relationship is that of employer and the workmen and that they are entitled for permanent absorption and regularization from the period of their initial appointment. The workers employed by the non-applicant No. 1 in its Ahirpura Mines are getting the salary and other allowances as directed by the Cement Wage Board of Central Govt., but the applicant-workmen, working in Mahakhara and Tellakhara Mines of non-applicant No. 1 at Nimbahara are not getting the same salary and the allowances as the workers of the Ahirpura Mines are getting. The Union has pleaded that the dispute was raised before the Assistant Labour Commissioner, Kota, who subsequently submitted the failure report and thereafter, this

reference has been made to the Tribunal by the Central Govt. As per the averments of the Union, the workmen working in the Maliakhera and Tellakhera Mines are the permanent workmen of non-applicant No. 1, that they are discharging their duties under the supervision and direction of the management of non-applicant No. 1, that for the purpose of extraction of limestones and other related work with the mining functioning, these workers were trained by non-applicant No. 1 which also issued the training certificates to them and the non-applicant No. 1 raised an objection before the Conciliation Officer that these workers were employed through contractor, but the contract was not genuine and it was sham and bogus and camouflage to conceal the real facts. The extraction work of the limestone from the above-named two mines is of continuous nature, that all these 206 workmen were the direct workmen of non-applicant No. 1 and their services were illegally and unlawfully terminated. The applicant-union has urged that the termination order may be quashed and it may be declared that these workmen are the employees of the principal employer i.e. non-applicant No. 1 from the date of their initial appointment with all consequential benefits and continuity of their service.

4. Resisting the facts, as alleged in the claim, the non-applicant No. 1 in its written statement raised a few preliminary objection that the demand of the applicant-union for abolition of contract labour in non-applicant No. 1 establishment cannot be granted by the Tribunal and the Tribunal has no jurisdiction to adjudicate upon the dispute, that the reference has been made on the erroneous belief, that the contract between non-applicant No. 1 and the remaining non-applicants is not a labour contract, but is a work contract and the non-applicant No. 1 had no control over the workers employed by the remaining non-applicants. The non-applicant has stated that only the direct workmen and the principal employer can raise an industrial dispute and thus, it is crystal clear that the workers of Ahirpura Mines are direct employees of non-applicant No. 1 who have not raised this dispute.

5. In reply on merits, the non-applicant No. 1 has averred that the reference is misconceived, that the workers as working with remaining non-applicants are having no privity of contract, that these workmen are not entitled to the salary and other allowances as available to the workers of Ahirpura Mines. The condition of Ahirpura Mines, regarding quantity and quality of deposit is altogether different as that of Maliakhera and Tellakhera Mines. The non-applicant has categorically denied that the workmen have been working under the supervision, control and direction of its management and that their services have not been terminated by it. It has also denied any relationship of employer and employee between them. The non-applicant has further stated that no appointment letters were ever issued to the persons under reference, but only permission letters for entry into the mines were issued, that the training was given to the workmen of non-applicant Nos. 2-4 at their own request, that the applicant-

union is not a registered Union, that the management of non-applicant No. 1 hired tippers and other equipments from the non-applicant Nos. 2-4 which is not the work of perennial nature and that the workers under reference are not the direct workmen of non-applicant No. 1. As per the pleadings of non-applicant No. 1, No relief can be granted to the applicant-union.

6. In the rejoinder, the applicant-union has controverted the facts alleged by the non-applicant No. 1 and has stated that the applicant-union is a registered Union under the Trade Union Act, 1926.

7. In the written statement, the non-applicant No. 3 has denied the facts as stated in the statement of claim and while supporting the pleas adopted by the non-applicant No. 1, it has averred that it has got its own management system which has no relationship with the non-applicant No. 1, it decides the service conditions of its own employees and also takes the disciplinary action against them whenever required. The workmen as named out by the applicant-union belonged to the firms of the contractors and not to the non-applicant No. 1. It has further pleaded that these workmen performed their duties under the control and supervision of the contractors and that they have the right to disengage their services.

8. *Ex parte* proceedings were drawn against non-applicant Nos. 2 and 4.

9. On the pleadings of both the parties, the following point for determination were framed :—

- (1) Whether Uchab Singh and 205 officers mentioned in the statement annexed with the order of reference, were the workmen of M/s JK Cement Works?
- (2) The contract between the workmen mentioned in the statement annexed with the order of reference and the management of M/s JK Cement Works is bogus and existed only for the purpose of evading the responsibility to pay the legitimate wages to the workmen. If yes, whether it amounts to unfair labour practice?
- (3) Whether services of workmen mentioned in issue No. 1 were illegally terminated?
- (4) Whether the Tribunal has no jurisdiction to adjudicate upon the dispute for the reasons mentioned in para 1 of preliminary objections?
- (5) Whether JK Cement Mines Mazdoor Ekta Union has no legal entity and Sayed Asin has no authority to file the statement of claim?
- (6) Whether respondent No. 1 had hired tippers and other equipment from respondents Nos. 2 to 4 and given a work job on payment for their equipment and respondent Nos. 2 to 4 engaged

workmen mentioned in issue No. 1 to carry out the assignment and as such, there has been no privity of contract between respondent No. 1 and the above workmen.

(7) Whether the reference is liable to be rejected for the reasons mentioned in para 2 of preliminary objections?

(8) To what relief, the concerned workmen are entitled?

10. The applicant-union has filed the affidavits of WW-1, Sh. Dinesh Singh, WW-2, Sh. Sayyid Yasin, Secretary to the Union, WW-3, Sh. Jawan Singh, WW-4, Sh. Ratan Lal (S/o Onkar Singh), WW-5 Sh. Yasin Khan, WW-6, Sh. Ratan Lal, WW-7 Sh. Suresh, WW-8, Sh. Rajesh Kumar, WW-9, Sh. Madho Singh, WW-10, Sh. Rajmal Jain, WW-11, Sh. Salim Khan, WW-12, Sh. Bhagvat Singh, WW-13, Sh. Chand Mohammad and WW-14, Sh. Shashinayar. All these witnesses were cross-examined by the non-applicants.

11. On behalf of non-applicant No. 1, MW-1, Sh. Balkrishna, Deputy Manager, MW-2, Sh. R.C. Purohit, Senior Manager (Mines), and MW-3, Sh. Mohanlal Goyal, Senior General Manager (Accounts), have been examined. Non-applicant No. 3 has examined MW-4, Sh. Suresh and MW-5, Sh. Ashok Jain. The applicant-union has filed as many as 81 documents, whereas 226 documents have been exhibited on behalf of non-applicant No. 1.

Case No. B-16/98

12. This industrial dispute as referred by the Central Government runs as under :—

“Whether the action of M/s JK Cement Works, Nimbahera through its contractor M/s Basant Enterprises Ltd. in terminating the services of workman Sh. Salim Sheikh, Tipper Operator, Tilakheda lime stone mine w.e.f. 24-4-96 is fair and just? If not, what relief the concerned workman is entitled to?”

13. The name of the workman ranks at serial No. 84 in the list of workers, annexure I, annexed in the industrial dispute No. B-28/97 which is the main industrial dispute and the present reference was subsequently received in the Tribunal.

14. In the instant dispute, the applicant-union has claimed that the workman Sh. Salim Sheikh, Tipper Operator, is continuously working from the last five years in the Tellakhera Limestone Mine under the management of non-applicant No. 1, which has employed him and has unlawfully and illegally terminated his service w.e.f. 24-4-96 in violation of the provisions under Section 25 of the Act. Enumerating the same grounds as adopted by the applicant-union in the main industrial dispute

B-28/97, the Union has prayed to set aside the termination order and to direct the non-applicant No. 1 to take the workmen on its roll with all consequential benefits and with continuity of the services.

15. The non-applicant No. 1 has resisted the claim incorporating the same pleas as adopted in the main industrial dispute No. B-28/97.

16. On behalf of the applicant-union, the affidavits of Sh. Yasin Ali, Sh. Dinesh Kumar Singh, Sh. Isaq Khan and Sh. Salim Sheikh have been filed. The non-applicant No. 1 has filed the cross-affidavits of Sh. Ramesh Chandra Purohit and Sh. Balkrishna Upadhyaya.

Case No. B-18/98

17. To adjudicate upon this industrial dispute, the reference made by the Central Government is as under :—

“Whether the action of M/s JK Cement Works, Nimbahera through its contractor M/s Mogra Transport Co. in terminating the services of workman Sh. Rajmal Kumhar, Tipper Driver, Tilakheda lime stone mines w.e.f. 11.7.96 is fair and just? If not, what relief the concerned workman is entitled to?”

18. The name of the workman Sh. Rajmal Kumhar appears at serial No. 71 of the list of workers, annexure I in the main industrial dispute No. B-28/97.

19. The facts of this industrial dispute, in brief, are that the applicant-union has averred in its claim that the workman Sh. Rajmal Kumhar, Tipper Driver, is continuously working from the last eight years in Tellakhera Limestone Mine under the management of non-applicant No. 1, whose service has been unlawfully and illegally retrenched w.e.f. 11-7-96 in violation of Section 20-F of the Act. The Union has prayed that the termination order dated 11-7-96 may be set aside and the non-applicant No. 1 may be directed to take the workman on its roll with all consequential benefits and continuity of the service.

20. The facts and relief urged in the statement of claim have been resisted by the non-applicant No. 1 in its written statement on the same grounds as stated in the main industrial dispute.

21. On behalf of applicant-union, the affidavits of Sh. Sayyid Yasin Alim, Sh. Dinesh Kumar Singh, Sh. Rajmal Kumhar and Sh. Uchhar Singh have been filed, whereas the non-applicant No. 1 has filed the cross-affidavits of Sh. Balkrishna Upadhyaya and Sh. R.C. Purohit.

22. Thus, the claims of both the workmen Sh. Salim Sheikh and Sh. Rajmal Kumhar as prayed for in the industrial dispute No. B-16/98 and 18/98 respectively have already been incorporated in the main industrial dispute No. B-28/97 and the entitlement of their claims will be a part of the discussion along with the claims of the other workers as named in the main industrial dispute.

23. As per the application moved by the applicant-union on 27-8-2001, three workmen, viz., Sh. Shyamlal Suthra, Sh. Ram Singh and Sh. Balwan have expired during the pendency of the dispute.

24. I have heard both the parties and have gone through the record and my findings point-wise are as under:—

Point No. 1, 2, 3 & 6

25. Since all these issues are inter-related and involve common points of fact and law, they are being taken up together.

26. The Id. Representative for the workmen has argued that all the workmen were appointed by the Mines Manager of the non-applicant no. 1 on the recommendation of the non-applicants No. 2-4, the non-applicant No. 1 organised the training programmes to provide them training and that these workmen who were working in Maliakhera and Tellakhera Mines were discharging the same work and duties as the workers of the Ahirpura Mine, which is continuous and perennial in nature and these facts are proved on the basis of the 14 affidavits produced by the applicant-union. He further submits that Sh. BK Upadhyay, a witness produced on behalf of the non-applicant No. 1 has admitted in his cross-examination that the same limestone is being excavated from the above three mines, that they were appointed by issuing the appointment letters under regulation 39 of the Matelliferous Mines (Amendment) Regulation, 1985, that they were also got medically examined by the non-applicant No. 1. The Id. Representative then has argued that just like the Ahirpura Mine workers, the workers under reference are also the direct workers of non-applicant No. 1 who were working under the direct control and supervision of non-applicant No. 1 and were also paid by non-applicant management. The substance of his argument is that there is a direct relationship of employer and employees between the workmen and the non-applicant No. 1. He states that the said contract Ex. M/1-M/5 are sham in nature and non-applicant No. 2 and 4 are the bogus non-applicants in the dispute. As per his submission, these workmen were disengaged by the non-applicant No. 1.

27. Per country, the Id. Representative for the non-applicant No. 1 has argued that the management had executed no contracts to hire the contract labourers, but it only hired the tippers and the equipments from the rest of the non-applicants through the contracts Ex. M/1-M/5, that these tippers do not belong to the non-applicant management and the contract hiring the tippers is a genuine contract, that the contractors were being paid on the basis of hourly rate of user on their tippers and transport equipment and that the contractors used to employ the workers on their own account on the tippers and other works and even they transferred them whenever the work fell short. The Id. Representative has urged that in both

the mines of Maliakhera and Tellakhera, the maintenance cost of tipper and transporting vehicles was borne by the non-applicants No. 2-4. According to his contentions, the contracts Ex. M/1-M/5 are the work contracts and not labour contracts.

28. With regard to the appointment letters, the Id. Representative for non-applicant No. 1 has contended that these are the authority letters to enter into the mines as required under Section 67 of the Mines Act and the training was given to the workmen on the request of the non-applicant No. 2.

29. The Id. Representative for the non-applicant No. 2 has supported the arguments of the Id. Representative for the non-applicant No. 1.

30. The Id. Representatives for both the parties have cited various judicial verdicts on the point, out of them the relevant judicial decisions are being discussed hereunder.

31. The Id. Representative for the applicant-union has placed his reliance on 1995 (5) SCC 27: 1993 (3) SCC 601: 1995 (3) LLJ Gujarat 218 and 2001 SCC 1 (Steel Authority of India Vs. National Union). On the other hand, the non-applicant No. 1 has placed his reliance upon AIR 2001 SC 3527 (Steel Authority of India Vs. National Union) and AIR 2002 SC 1851.

32. I have reflected over the rival contentions of both the parties and have deeply gone through the judicial verdicts cited by both the parties before me.

33. In (1995) 5 SCC 27, the Hon'ble Supreme Court has observed that "If there is no genuine contract and the so-called contract is a sham or a camouflage to hide the reality, the said provisions are inapplicable. When, in such circumstances, the workmen concerned raise an industrial dispute for relief that they should be deemed to be the employees of the principal employer, the Court or the industrial adjudicator will have jurisdiction to entertain the dispute and grant the necessary relief. In this connection, we may refer to the following decisions of this Court which were also relied upon by the counsel for the workmen."

34. In (1999) 3 SCC 601, The Hon'ble Apex Court has held as under:—

"The true test may, with brevity, be indicated once again. Where a worker or group of workers labourers to produce goods or services and these goods or services are for the business of another, that other is, in fact, the employer. He has economic control over the workers' subsistence, skill, and continued employment. If he, for any reason, chokes off, the worker is, virtually, laid off. The presence of intermediate contractors with whom alone the workers have immediate or direct relationship *ex-contractu* is of no consequence when, on lifting the veil or looking at the conspectus of factors governing

employment, we discern the naked truth, though draped in different perfect paper arrangement, that the real employer is the management, not the immediate contractor.”

35. On the other hand, the Id. Representative for the non-applicant No. 1 has referred AIR 2002 1815 wherein the Hon'ble Court has held that it is a question of fact to decide on evidence, particularly when it is disputed that the system of carrying out the work through labour contract is sham and it cannot be decided affirmatively on mere ground that the principal employer and contractor has not complied with the provisions of the Act.

36. Both the Id. Representatives for the applicant-union and the non-applicant No. 1 have respectively placed their strong reliance upon AIR 2001 SC 3527 (Steel Authority of India Vs. National Union). The relevant portion of the observation made by their Lordships in the judicial decision supra is quoted as under :—

“It cannot be said that by virtue of engagement of contract labour by the contractor in any work of or in connection with the work of an establishment, the relationship of master and servant is created between the principal employer and the contract labour. Even a combined reading of the definition of the terms ‘contract labour’ ‘establishment’ and ‘workman’ does not show that a legal relationship between a person employed in an industry and the owner of the industry is created irrespective of the fact as to who has brought about such relationship. The word ‘workman’ is defined in wide terms. It is a generic term of which contract labour is a species. It is true that a combined reading of the terms ‘establishment’ and ‘workman’ shows that a workman engaged in an establishment would have direct relationship with the principal employer as a servant of master.”

37. The Hon'ble Apex Court has further observed that “When the provisions of the Act neither contemplate creation of direct relationship of master and servant between the principal employer and the contract labour nor can such relationship be implied from the provisions of the Act on issuing of notification under S. 10(1) of the CLRA Act *a fortiori* much less can such a relationship be found to exist from the Rules and the Forms made thereunder.”

38. It is, thus, in the light of this authoritative pronouncement in the Steel Authority of India Vs. National Union, the decision relied upon by both the Id. Representatives, it is to be adjudicated whether there exists a relationship of employees and the principal employer between the workers under reference and the non-applicant No. 1 or not.

39. To comprehend the controversy in these industrial disputes, it would be convenient to first begin with to scrutinise the documentary evidence produced by both the parties.

40. The applicant-union has produced as many as 81 documents to establish its case. The Id. Representative for the applicant-union has drawn my attention towards the appointment letters Ex. W/7-W17, W/21-W/41 and W/58-W/81 and has stressed upon that on the basis of these appointment letters, the workmen were appointed by the non-applicant No. 1 and that these letters were issued by the Manager to the non-applicant No. 1 under regulation 39 of the Metalliferous Mines (Amendment) Regulations, 1985. Refuting this argument, the Id. Representative for the non-applicant No. 1 points out that these are not the appointment letters, but are authority letters enabling the workmen to enter into the mines premises.

41. Ex. W/7, the form of appointment of competent person, for an instance, pertains to the workman Sh. Bharo Singh which reads that “**You Sh. Bharo Singh having been appointed at this mine is hereby authorized as Tipper Driver of Maliakhera Mine, a copy of the regulations, rules, byelaws and orders made thereunder which affect you being made over to you.**” This form of appointment is signed by the Manager on behalf of the non-applicant No. 1 and is issued on 25-12-93. It also bears the acknowledgement receipt of Sh. Bharo Singh.

42. The first question which arises for determination is whether the contents of the form of appointment indicate that it is an appointment letter issued in favour of Sh. Bharo Singh.

43. I have gone through the regulations 39(1)(A), 39 (2) and 44(4), as referred to by the Id. Representative for the applicant, but a bare perusal of these regulations does not indicate that they contain the provision of appointment of an employee on behalf of the non-applicant establishment. The form of appointment of competent person does not contain any service condition or the particulars of his appointment to the temporary post or permanent post. It only conveys the authority issued in favour of a person to perform the duties in the mines and that such authority is to be issued by the management. The Id. Representative for the non-applicant No. 1 has also pointed out that only the authorised persons can enter into the mines premises as per the provision under Section 67 of the Mines Act, 1952 which lays down that on contravention of the rules restricting the presence of persons in or about a mine shall be a punishable offence. The contention of the Id. Representative seems to have the substance with reference to the phraseology used in the form of appointment. Now, I am faced with the question of issuance of the certificates of the training and medical certificates in favour of the workers. Ex. W/9 is a certificate of training for employment in a mine on surface or in upon the cast working, which is issued in favour of Sh. Chand Mohammad to the effect that he has duly undergone the training required under chapter 3 of the Mines Vocational Training Rules, 1966. Likewise, Ex. W/18 is form of medical examination issued in favour of one of the workers. It

could not be assigned before me that these requirements were necessary to be observed by the non-applicant No. 1 only in the case of appointing the employees by the non-applicant establishment. On the other hand, it has been argued that as a safety measure and as required under rules and regulations, the training was imparted to these workers and they were medically examined on the request of the non-applicant contractors, which finds support from the relevant provisions of the Act as discussed above.

44. The non-applicant No. 1 has exhibited the contracts Ex. M/1-M/5 and has pointed out that these are not the labour contracts, rather these are the work contracts by which only the tippers and other equipments for transport were hired from the non-applicant contractors to carry out the work assigned by the non-applicant. It has been categorically denied that the contractors had provided the workers to the non-applicant establishment to carry out the work and it has been stressed upon that only the tippers were provided to the non-applicant to carry out the assigned work and that the Tipper Operators or the labourers deployed on tippers and transport equipments were working under the direct control and supervision of the contractors.

45. Now, it is to be determined whether these contracts Ex. M/1-M/5 are sham in nature.

46. Ex. M/1-M/5, the contracts read out as under:-

"This has reference to your quotation and discussions you had with us. We are pleased to place order for hiring of Tippers on following terms and conditions.
(a) You shall deploy your sufficient number of tippers for transporting of 12,500 tonnes per month of lime-stones from Maliakhera Mine to our Cement Plant at Nimbahera.

(b) We shall make your payment for your equipments for the hours they have worked on daily basis. You can raise your bills twice in a month after every fortnight. The basis for payment will be as under:—

S. No.	Description	Rates (Rs.)
1	Tippers	Rs. 350 per hour.

Hiring charges mentioned above includes the expenses on account of its operation, maintenance and repairs etc.

(c) This system of hiring of equipments is valid from 1.4.94 to 31-3-96.

(d) You should indemnify for any loss of life/injury.

(e) You will work as per the instruction of Mines Manager or his representative.

(f) You shall be responsible for compliance of the provisions of mines rules, regulations and by-laws made thereunder i. e.

(i) You shall provide safety appliances such as safety shoes, helmet, respirator, etc. for the persons associated with equipments.

(ii) Before equipments put into operations its attendants shall go under Medical Examination by Authorised Medical Officer. The Medical Fitness Certificate along with skiagram should be submitted to Mines Manager.

(iii) You shall spare the attendants of the equipments for Vocational Training. Equipments will be put into operation after enrolling its attendants in 'B' register.

(iv) You shall maintain all registers, records and forms required under Mines Rules, Regulations and By-laws.

(g) You shall be responsible for the compliance of labour Laws. You should be registered with appropriate Government as required under the Laws.

(h) You shall be responsible for employing all statutory persons below the rank of Mines Foreman.

(i) Your authorized person shall meet the Mines Manager on each working day to resolve any problem arising in day to day working.

(j) You shall nominate your authorized representative acceptable to Dy. G.M. (Mines) who will meet him once in a month to review the production and enforcement of terms and conditions of hiring system mentioned above.

47. A careful reading of the contracts supra makes it abundantly clear that the non-applicant management only executed a contract for hiring the tippers and the contractors had undertaken to produce the given result for the establishment and that the aforesaid contracts do not contain any condition of supplying the workers to the management to carry out its work. Therefore, these contracts Ex. M/1-M/5 can be deemed to be work contracts instead of labour contracts.

48. Apart it, in support of the contention on behalf of the management that these workers were not the direct employees to the management, the non-applicant No. 1 has produced other material documents on the record also. Ex. M/98 to M/101 are the copies of the attendance register of the AR Enterprises pertaining to the workmen under reference. These documents clearly suggest that the routine attendance of the workmen was observed by the non-applicant contractors and they kept the related record. Ex. M/103 to M/170 are the various letters addressed by the Mumal Mining Company to the Mines Manager, Maliakhera intimating that a few workers have left the employment, therefore, their names may be striked out and that the contractor company has engaged other workers in place of them. Ex. M/172 to M/178 are the letters on the same subject written by the AR Enterprises to the non-applicant No. 1 for the change of workers. Ex. M/190 to M/196 and M/204 are the vouchers for payment made by

the non-applicant no. 1 to the contractors about the contract money for providing the tippers to the mines of the non-applicant no. 1. Similarly, Ex. M/197 to M/203 are the vouchers for payment of hire charges of equipments to Mogra Transport Company by the non-applicant No. 1. Ex. M/205 and M/206 are the bills for payment of hire charges of mining machinery by the non-applicant No. 1. Ex. M/182 to M/189 are different vouchers for payment of hire charges of equipment to the contractor non-applicants.

49. The non-applicant establishment has also produced the documentary evidence of the copies of the registers of payment of wages to the workmen under reference which are Ex. M/92 to M/97 kept by the AR Enterprises.

50. Ex. M/88 to M/90 are the letters written by the AR Enterprises to the workers under reference for their transfer to different places.

51. These documents adduced by the non-applicant no. 1 prove that the workmen were engaged by the non-applicant contractors and they were working under the supervision and direct control of them. Their duties were assigned by the contractors, they were paid by the contractors who received the contract amount from the non-applicant No. 1 and that they were also deployed on the transportation of equipments by the contractors, which equipments were owned by the contractors. Accordingly, it could not be established by the applicant-union that the workers under reference were either employed by the non-applicant No. 1 or that they were provided by the non-applicant contractors to the non-applicant establishment to carry out their work. Rather, these documents produced by the non-applicant establishment make it clear that the contractors had undertaken to produce the given result for the establishment. As such, the relationship of the employee and employer between the workmen and the non-applicant No. 1 has not been established on the basis of the documentary evidence adduced by both the parties.

52. Now, I proceed to examine the oral evidence adduced by both the parties on the record.

53. As has already been stated, the applicant-union has examined as many as 14 witnesses who have reiterated the facts as mentioned in the statement of claim. On the basis of their evidence, it appears to be an admitted fact that these workers were not given their termination order by the non-applicant establishment. Almost all the witnesses have admitted this fact in their cross-examination respectively. Whether they were employed by the non-applicant establishment, in reply to this question, WW-1, Sh. Dinesh Singh has answered that no advertisement was published for the appointment to these posts, that in the appointment letter, no mention of the salary and dearness allowance was made and that the non-applicant had never obtained the receipts of the salary from them. WW-10, Sh. Rajmal Kumhar and other witnesses have also admitted

the same fact. WW-2, Sh. Sayed Yasin, Secretary to the applicant-union and WW-4, Sh. Ratan Lal have even pleaded their ignorance about the pertinent facts as to who used to go to take the payment and whether these so-called appointment letters are the authority letters to enter into the mines. WW-3, Sh. Jawan Singh has stated that he is an illiterate and he even does not know as to whether he belongs to the non-applicant establishment or to the contractor. WW-6, Sh. Ratan Lal has at one place stated in his cross-examination that the tippers belonged to non-applicant No. 1 and the drivers were too employed by it. But on the other hand, he has shown ignorance as to whether tippers belonged to the contractors and the Tipper Operators employed thereon also belonged to the contractors. WW-8 and WW-9, Sh. Rajesh Kumar and Sh. Madho Singh respectively deposed in their testimony that they were aware of the fact of being employed by non-applicant No. 1, but they have deposed contradictory statements to it in their affidavits.

54. Such is the vague and weak evidence of the witnesses examined by the applicant-union, upon which it cannot be presumed that these workers were employed by non applicant No. 1.

55. On the other hand, MW-1, Sh. Balkrishna, Deputy Manager, MW-2, Sh. Ramesh Chandra Purohit, Sr. Manager and MW-3, Sh. Mohan Lal Goyal, Sr. Gen. Manager (Accounts) have respectively deposed that non-applicant No. 1 had executed the contracts with the non-applicant contractors for hiring the tippers, the charges thereof were paid to the said firms to the contractors and the workers operating the tippers were employed by the contractors and not by the non-applicant No. 1. They have categorically denied that the payment was made by the non-applicant No. 1 to the workers. MW-4, Sh. Suresh and MW-5, Sh. Ashok Jain have corroborated the testimony of MW-1, Sh. Balkrishna, MW-2, Sh. Ramesh Chandra Purohit and MW-3, Sh. Mohan Lal Goyal.

56. On the basis of the assessment of the oral evidence examined by both the parties, it also echoes that the workmen under reference were not deployed by the non-applicant establishment, rather they were the workers of the contractors who were deployed by the contractors themselves on the tippers and transport equipments. The applicant-union has submitted the claim on behalf of 206 workmen, out of them, only 14 have been examined by the applicant-union. Even the Secretary to the applicant-union, WW-2, Sh. Sayed Yasin has not disclosed in evidence, the names of the remaining workmen whose claims have been set up by the applicant-union. In the statement of claim too, it has not been described as to when these workmen were employed by the non-applicant No. 1 and on which dates their services were terminated. Thus, the statement of claim filed by the applicant-union appears to be vague and indefinite which lacks the

incorporation of the material particulars necessary to establish the claim.

57. In the industrial dispute no. B-16/98, in support of the testimony of the workman WW-4, Sh. Salim Shekh, the affidavits of Sh. Yasin Ali, Sh. Dinesh Singh and Sh. Isaq Khan have been filed. On behalf of non-applicant No. 1, the cross-affidavits of Sh. RC Purohit and Sh. Balkrishna Upadhyaya have been filed. The workman Sh. Salim Shekh has reiterated the facts of the alleged claim in his affidavit and has stated that he was Tipper Operator employed by the non-applicant No. 1, but he could not be able to point out the registration No. of the tipper, he also found himself unable to state as to who was the owner of the tipper and he has admitted this fact that appointment letter was issued to him, but the same has not been filed before the Tribunal. He states that the salary was paid to him by the non-applicant No. 1, but no receipt thereof he has given to the non-applicant.

58. Although the workman has deposed that appointment letter was issued in his favour, yet the same has not been produced on the record. Moreover, he has admitted this fact that without the permission of the Mines Manager, the entry into the mine's area was not permissible. It corroborates the version adopted by the non-applicant No. 1 that the appointment forms issued in favour of the workmen are not the appointment letters, but they are only the permission letters authorizing the workmen to enter into the mines premises.

59. The testimony of Sh. Yasin Alin, Sh. Dinesh Singh and Sh. Isaq Khan appear to be indefinite. They have not been able to point out as to from which time the workman Sh. Salim Shekh was working in the mines, to whom the tippers belonged and the number of the tipper whereupon Sh. Salim Shekh was employed. They have been failed to disclose those material facts which could enable the applicant-union to establish the facts that the workman was employed by the non-applicant No. 1 and that there existed a relationship of employee and employer between the two.

60. On the contrary, the non-applicant No. 1 has examined its witnesses Sh. RC Purohit and Sh. Balkrishna who had adopted the same stand in their testimony as has been discussed earlier.

61. Thus, in the present industrial dispute, too, the testimony adduced on behalf of the applicant-union is vague and is unable to establish that the workman was employed by the non-applicant No. 1. No order of appointment and no order of termination has been filed on behalf of the workman who is alleged to have been terminated on 24.4.96 by the non-applicant No. 1.

62. In the industrial dispute No. B-18/98, it has been alleged that the service of the workman Sh. Rajmal Kumhar, Tripper Driver was terminated w.e.f. 11.7.96. WW-3, Sh. Rajmal has narrated the facts as stated in his affidavit. In

the reply to the question of the Id. Representative for the non-applicant, he could not even point out the registration No. of any tipper, even the registration number of the tripper operated by him. He has admitted that from his salary the PF amount was debited, but no such documentary evidence has been produced on the record that the deduction was made by the non-applicant No. 1. Neither his appointment letter, nor his termination order has been produced on the record. Likewise, WW-1, Sayed Yasin Ali has admitted that on terminating his service, no order in writing was issued to him. An important factor as emerged out from the cross-examination of the witness WW-2, Sh. Dinesh Kumar Singh, who has admitted that the AR Enterprises had transferred him indicating him to be its employee, that he had filed a suit against his transfer order, thereof copy Ex. M/3 he has admitted and he also applied for the stay order, the copy thereof is Ex. M/4, he also filed an affidavit Ex. M/5 in support of the stay application, but it was rejected after considering the reply (Ex. M/6) filed by the AR Enterprises. He admits that the order is Ex. M/7. Thus, it appears that even a Civil Court has also found him to be the employee of the AR Enterprise.

63. The evidence of MW-1, Sh. Balkrishna and MW-2, Sh. RC Purohit adduced on behalf of the non-applicant No. 1 is similar which has been discussed supra. In this industrial dispute also, the applicant-union has not been able to establish its claim on the basis of the documentary as well as oral evidence adduced by it, which is feeble and unreliable evidence.

64. On account of the reasons stated above, the applicant-union has not been able to establish the direct relationship between the workmen and the non-applicant No. 1 in the capacity of the employees and the employer and it has not been proved that they were employed by the non-applicant No. 1. The evidence adduced on the part of the non-applicant No. 1 sufficiently proves that the contractors had undertaken the work to produce any given result for the non-applicant No. 1. Accordingly, points number 1, 2 & 3 are decided against the applicant-union and point number 6 is decided in favour of the non-applicant number 1.

Point No. 4

65. It has been argued on behalf of the non-applicant No. 1 that under Section 10 of the Contract Labour (Regulation and Abolition) Act, 1970, the authority to prohibit employment to contract in any process operation in the establishment has been vested in the appropriate Government which has to exercise it. The Id. Representative has argued that for the prohibited Act during the period commencing from 17.3.96 to 4.7.96, the reference cannot be entertained.

66. The Id. Representative for the applicant-union, responding to this argument has tried to controvert it by

placing his reliance upon **1995 (3) LLJ Gujarat 218**, wherein the Hon'ble Court has observed as under:—

“The term of reference clearly shows that there is no demand for abolition of the contract labour. The demand is for examining the actual reality behind the facade. After piercing the veil the Tribunal was required to examine as to whether there existed the actual contract labour system or it was only make belief. In view of the jurisdiction of the Tribunal to examine the reality behind the facade of paper arrangement of contract labour system. The Tribunal has examined the relationship between the Board and the employees elaborately. It is not correct to say that the Tribunal has based its finding on the sole ground that there were no valid licences for certain period with certain contractors, issued under the provisions of the Contract Labour (Regulations and Abolition) Act, 1970”.

67. In view of the aforesaid proposition of law pronounced in judicial verdict supra, the contention advanced by the Id. Representative for the non-applicant No. 1 is not sustainable and accordingly this point is decided against the non-applicant.

Point No. 5

68. The non-applicant No. 1 has alleged that the applicant-union has no legal entity and that its Secretary, Sh. Sayyed Yasin Ali has no authority to file the statement of claim. The Id. Representative has argued that the Union is not registered and hence, the claim cannot be filed by the Union.

69. This fact has been controverted on behalf of the applicant-union and the Id. Representative has urged that vide Ex. W-56, the registration certificate, this Union has been registered.

70. The contention put forth by the Id. Representative for the Union finds support from the registration certificate Ex. W-56 and the oral testimony of WW-2 and other witnesses examined by the applicant-union. The witnesses have categorically stated that they are the members of the applicant-union, who have also deposited the contribution with the Union. A few receipts, for instance, Ex. W/55 to W/57 have also been placed on the record and these witnesses could not be shaken on the point in their cross-examination. As such, the contention raised on behalf of the non-applicant No. 1 is found to be without merit and is unsustainable. This point is accordingly decided against the non-applicant No. 1.

Point No. 7

71. The non-applicant No. 1 in his written statement has pointed out that the Tribunal has no jurisdiction to adjudicate upon the dispute. The Id. Representative for the non-applicant No. 1 submits that the reference was required to be made by the appropriate Government, but

that is signed by the Desk Officer who has no authority to make such a reference. He has pointed out that in the *Pride Machinery Works Vs. State of Punjab*, 1971 (Labour India Cases) 940, Hon'ble Punjab & Haryana High Court has held that an order of reference made a notification not authenticated by a Secretary, Additional Secretary, Joint Secretary, Deputy Secretary, Under Secretary or such other officer empowered by the President under Article 77 in that behalf to authenticate the notification issued under the Act, will not be a valid order. The Id. Representative has stated that it is the Government who is required to examine the record and come to the conclusion that an industrial dispute exists, such a conclusion cannot be arrived at by a Desk Officer.

72. The Id. Representative for the workmen has opposed this argument.

73. The reference at hand has been filed by the Central Government and the order of reference has been signed by the Desk Officer. Per se, it is the Central Government who has considered the matter and has found it fit to refer it to the Tribunal for adjudication. Therefore, the argument advanced by the Id. Representative for the non-applicant No. 1 that the conclusion for filing the reference cannot be arrived at by the Desk Officer, seems to be without merit, since this reference has been filed on behalf of the Central Government and not by the Desk Officer at his own level. Moreover, the Id. Representative for the workmen has relied upon **(2000) 1 SCC 371** wherein the Hon'ble Apex Court has held that **“The Industrial Tribunal is the creation of a statute and it gets jurisdiction on the basis of reference. It cannot go into the question of validity of the reference. The question before the High Court was one of jurisdiction which it failed to consider.”**

74. As such, the objection raised on behalf of the non-applicant No. 1 is not sustainable and this point is accordingly decided against it.

Relief

75. On account of the aforesaid analytical decision and in the light of the judicial verdicts supra, I find that the claims of the workmen prayed in the industrial disputes no. B-28/97, B-16/97 and B-18/97, through the applicant-union do not deserve to be allowed and the reference is answered in the terms that the workman are not entitled to be taken on the roll of non-applicant No. 1 and for their absorption in the non-applicant establishment. The award is passed accordingly.

76. Let the copies of the award be sent to the Central Government under Section-17(1) of the Industrial Disputes Act, 1947 for publication.

R. C. SHARMA, Presiding Officer

नई दिल्ली, 24 दिसम्बर, 2002

का. आ. 326.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार ट्रेवन्कोर टाइटेनियम प्रोडक्ट्स लि. के प्रबंधन के सम्बद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार श्रम न्यायालय, चेन्नई के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 23-12-2002 को प्राप्त हुआ था।

[सं. एल-29011/41/86-डी. III (बी)]

बी. एम. डेविड, अवर सचिव

New Delhi, the 24th December, 2002

S.O. 326.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Industrial Tribunal, Chennai as shown in the annexure in the Industrial Dispute between the employers in relation to the Management, Travancore Titanium Products Ltd. and their workman, which was received by the Central Government on 23-12-2002.

[No. L-29011/41/86-D. III(B)]

B. M. DAVID, Under Secy.

ANNEXURE

BEFORE THE INDUSTRIAL TRIBUNAL, TAMIL NADU, CHENNAI

Thursday, the 31st day of October, 2002

PRESENT:

Thiru S. K. Krishnan, B. A., B. L.,
Industrial Tribunal

Industrial Dispute No. 24 of 1989

(In the matter of dispute for adjudication under Sec. 10(1)(d) of the Industrial Disputes Act, 1947 between the Workmen and the Management of Travancore Titanium Products Ltd. Trivandrum).

BETWEEN:

The Workmen represented by:

1. The General Secretary, Titanium General Labourers Union, C/o T. T. P. Ltd., Trivandrum-695021.
2. The General Secretary, Titanium Workers Union, C/o T. T. P. Ltd., Trivandrum-695001.
3. The General Secretary, Titanium Products Thozhilali Union, C/o T. T. P. Ltd., Trivandrum-695001.
4. The General Secretary, Titanium Employees Association, C/o T. T. P. Ltd., Trivandrum-695001

AND

The Managing Director, Travancore Titanium Products Ltd., Regd. Office, Kochuveli, Trivandrum-695021.

REFERENCE:

Order No. L 29011/41/86-D. III(B), Dated 1-3-1989, Ministry of Labour, Govt. of India, New Delhi.

This dispute coming on for final hearing on Friday the 20th day of September, 2002. upon perusing the reference, Claim and Counter Statements and all other material papers on record and upon hearing the arguments of Thiru B. S. Krishnan Associates appearing for the Respondents/Management and Petitioner/Workmen being absent and this dispute having stood over till those day for consideration, this Tribunal made the following:

AWARD

The Govt. of India has referred the following issue for adjudication by this Tribunal:

“Whether the demand of the Titanium General Labourers Union, Titanium Workers Union, Titanium Employees Association and Titanium Products, Thozhilali Union for rectification of anomalies in the salary of the following 18 employees is justified? If so, what relief are the workmen concerned entitled to?”

Sl. No.	Name of workers	Designation
1.	Gopinathan Achari V.	Carpenter
2.	Rangan Asari P.	-do-
3.	D. Ayyappan	-do-
4.	Peethambaran S.	-do-
5.	Kunhikannan D.	-do-
6.	James V. Velakulam	Electrician
7.	karunakaran Nair K.	-do-
8.	Krishnan Nair M.	-do-
9.	Sebastian Joseph	-do-
10.	Ravindran Nair	-do-
11.	Engine L. Perera	-do-
12.	Abdul Sathat S.	-do-
13.	Stephenson H.	-do-
14.	Balan T.	-do-
15.	Paramweshwaran Nair G.	-do-
16.	Surendranathan R.	-do-
17.	Girisan K.	-do-
18.	Abdul Rahiman A.	-do-

2. The main averments found in the Claim Statement of the Petitioners are as follows:

The Petitioners—3 Unions are sponsoring the case of 17 workmen who are technical hands such as Carpenters, Electricians, Fitters etc. for obtaining parity of pay with

that of Drivers all in the pay scale of Rs. 220-650. These technical hands are senior to the drivers numbering four. Thiru A. P. Govindan was appointed on 13-4-1977 as a Driver in the same pay scale but with a higher starting pay of Rs. 360/- which was higher than the pay drawn by other senior drivers and also other senior technicians like the petitioners. This act of unfair labour management by giving preferential treatment to Thiru A. P. Govindan led all the other workmen to agitate for hiking their pay to that of Thiru A. P. Govindan. The Respondent-Management instead of increasing the pay of the other workmen the same engineering department reduced the pay of Thiru A. P. Govindan to the minimum of Rs. 220/- in the time scale. This reduction provoked Thiru A. P. Govindan to approach the Conciliation Officer and then the Industrial Tribunal, Quilon for restoring his original higher starting pay of Rs. 360/-. The Quilon Industrial Tribunal passed an award for raising A. P. Govindan's pay to Rs. 360/- as originally fixed by the respondent. Three drivers who were senior to Thiru A. P. Govindan, having already clamoured for raising their pay to that of the junior Thiru A. P. Govindan, had their dispute resolved in I. D. 77 of 1984 on the file of the Industrial Tribunal, Madras, under whose award, the senior drivers' pay was raised to be on par with the pay of Thiru A. P. Govindan with effect from A. P. Govindan's initial appointment dated 13-4-1977. The technical workers seeking remedy in this I. D. made individual representations to the respondent for increasing the pay of these 17 workers to the pay of their junior A. P. Govindan and also three other drivers. Their representations were rejected by the respondent by Orders dated 1-1-86 and 13-5-86. Then the question was raised before the Central Labour Commissioner, Trivandrum whose Conciliation Proceedings failed. Then the Union Government refused to make a reference to the Industrial Tribunal after perusing the failure report. Thereafter the petitioners filed a writ Petition before the High Court of Kerala which directed the Central Government to refer this dispute to the Industrial Tribunal. Seventeen workers and the four drivers including Thiru A. P. Govindan are working in the same engineering department having the same time scale of pay and also similar duties. They are governed by Subordinate Service Rules framed by the Respondent. Substantially there is no difference between the work done by the seventeen technical workers and the four drivers. It is not fair for the Respondent to deny giving parity of pay to the seventeen workers who are seniors with the pay of the four drivers including Thiru A. P. Govindan who are all juniors. This anomaly of seniors drawing lesser pay than juniors in the same engineering department has crept in as a result of the special treatment given to the driver Thiru A. P. Govindan and subsequent events. The stand of the Respondent that the seventeen technical workers belong to a different cadre as against drivers who belong to a different cadre is false and untenable. Hence, it is prayed that an award may be passed for fixing the basic pay of

these seventeen technical workers at Rs. 360/- on par with the pay of Thiru A. P. Govindan in the same scale of pay from 13-4-1977 and granting all consequential monetary benefits.

3. The main averments found in the Counter Statement of the Respondents are as follows :

The reference is not maintainable. The workmen whose claim is under adjudication have joined the service of the respondent during 1974-75. The respondent's organisation is divided into several departments, of which the engineering department is the one. The Subordinate Service Rules framed by the Respondent provide for six different scales of pay and under each time scale of pay different categories of workmen are grouped. The seventeen workmen concerned in this dispute belong to different trades in the engineering department but belong to the same category. This category is one among 48 categories of workers spread over various departments, but having the same pay scale. Drivers' category is also placed on the same pay scale. The appointment of Thiru A. P. Govindan as a driver on 13-4-77 with a higher starting pay at Rs. 360/- resulted in the filing of an Industrial dispute in the Madras Tribunal by the other drivers. Due to equitable considerations, the Madras Tribunal passed an award dated 24-1-1985 for raising the pay of other drivers on par with that of Thiru A. P. Govindan who was the juniormost among drivers. The 17 workmen covered by this dispute drawing inspiration from the Madras Tribunal's award sent representations to the Respondent on 11-12-1985 claiming that they being seniors to the drivers, more particularly Thiru A. P. Govindan, their pay should be raised to the pay of the drivers. The claim of these 17 workmen is not bonafide and not just. They belong to a grade or cadre which is different from that of drivers. The nature of duties and qualifications, the process of selection and promotion procedures and avenues for these 17 workmen are different from those of the drivers. The procedure for rectification of pay anomaly given under the Subordinate Service Rules does not provide for maintaining parity between different trades or cadres. Since the 17 technical workers are not placed equally with the drivers, they cannot be treated equally in fixing their pay. If the claim of these 17 workmen is allowed, all the other workmen belonging to 48 categories and having the same time scale of pay will raise similar demands for parity of wages on the ground of seniority. The claim has no merit and is liable to be dismissed.

4. The Petitioner's contend in their rejoinder as follows :

The pay anomaly has occasioned only due to the act of the Respondent by which the starting pay of Thiru A. P. Govindan was arbitrarily fixed on 13-4-1977. The contention that the Seventeen workers making the claim for parity belong to one trade and that the drivers belong to another trade is without substance. These 17 workmen

and the drivers belong to the same engineering department, have the same time-scale of pay and perform similar duties and hence they belong to the same cadre.

5. Point : The Point for consideration is whether the demand of the Titanium General Labourers Union, Titanium Workers Union, Titanium Employees Association and Titanium Products Thozhilali Union for rectification of anomalies in the salary of 18 employees mentioned in the reference is justified and if so, what relief are the workmen concerned entitled to. It is seen that the above stated reference was forwarded for adjudication during the year 1989. During the course of adjudication, one Thiru A. Abdul Rahman was examined as W.W.1 on the side of the Unions. Through him Exs. W1 to W24 were marked. On the side of the Management, one Thiru K. M. Saraschandran was examined as MW1. Through him, Exs. M1 to M8 were marked. My learned predecessor Thiru M. Gopalaswamy who was then working as Industrial Tribunal disposed the matter on 30-4-1992. It is seen that an award was passed in favour of the workmen referred in the issue. It was held as follows :

"In the result, an award is passed directing the respondent to fix the pay of seventeen Claimants-workmen as Rs. 360/- p.m. with effect from 13-4-1977 and give these claimants all consequential benefits accruing to them as a result of their pay being fixed at Rs. 360/- with effect from 13-4-1977. There will be no order as to costs."

As against the award passed by my learned predecessor, the Respondent-Management has preferred O. P. Challenging the said Award dated 30-4-1992 before the Hon'ble High Court of Kerala at Ernakulam. The Hon'ble High Court of Kerala set aside the award of this Tribunal dated 30-4-1992 and remand the matter for fresh disposal in accordance with law.

It is just and necessary to discuss certain previous disputes in connection with the Management and the Trade Unions, before discussing the main issue involved in this reference. It is a fact that these 17 workmen referred in the issue have been insisting for rectification of anomalies in their salary.

7. It is seen that one Thiru A. P. Govindan, a driver was appointed on 13-4-1977 (as per Ex. W2). At the time of his appointment, the salary was fixed in the scale of Rs. 220-650/-. After completion of six months probation, the said Govindan was observed by the Company and his basic pay was fixed at Rs. 360/- (it is stated that he was given nine additional increments by the department at the time of completion of probation period). It is seen that the action of the management for fixing his basic pay at Rs. 360/- was vehemently opposed by the trade unions referred in the reference. Since the Respondent-

Management considered the said protest of the trade union, the salary of the said driver was again re-fixed in the scale of Rs. 220-650/-. Since the said driver Govindan disagreed with the action of the management in re-fixing the pay from Rs. 360/- to Rs. 220/-, the said driver Govindan has preferred a claim petition before the Labour Court, Quilon. An award was passed in favour of the driver Govindan directing the Respondent-Management to re-fix the scale of pay at the rate of Rs. 360/-. In addition to that it was ordered a sum of Rs. 6693/- to be paid to the worker Govindan towards dues. The Respondent Management again re-fixed the basic pay of the driver as Rs. 360/-. It is to be noted that other drivers, namely, Tvl. S. K. Koshy, A. K. Gopinathan, Parameswaran Nair of the Respondent-Management agitated the re-fixing of basic pay of driver Thiru A. P. Govindan. The said issue was taken by two unions viz. (i) Titanium General Labourers' Union, Trivandrum and (2) Titanium Products Labour Union, Trivandrum. Based on the objection raised by the said two Unions, the said issue was referred as an Industrial dispute for adjudication. The Government of India by its Order No. L-29025(5)/84-D. III.B Ministry of Labour and Rehabilitation dated 29-9-1984 has referred the following dispute under Section 10(2) of the Industrial Disputes Act, 1947 to this Tribunal for adjudication :

"Whether Titanium General Labourers' Union and Titanium Labour Union are justified in demanding stepping up of pay of Shri S. K. Koshy, A. K. Gopinathan, Parameswaran, Nair, drivers of Travancore Titanium Products Ltd., to the level of pay of Sri A. P. Govindan, Driver." If so, to what relief are the workmen concerned entitled ?"

8. It was contended by the three drivers, viz. Tvl. S. K. Koshy, A. K. Gopinathan and Parameswaran Nair that they were the senior drivers than that of Thiru A. P. Govindan. It was further contended that these three drivers were appointed as drivers prior to the appointment of the said Govindan. The scale of pay was also one and same. It was further contended that these three drivers were also working along with the said A. P. Govindan. Since the three drivers dissatisfied with the action of the Respondent-Management in re-fixing the basic pay of Thiru A. P. Govindan as Rs. 360/- they vehemently argued that their basic pay also to be fixed like that of Govindan. They would contend that they also attend the similar work as attended by Thiru A. P. Govindan. Under such circumstances, the two Unions represented the cause of three drivers demanding stepping up of pay of Tvl. S. K. Koshy, A. K. Gopinathan and Parameswaran Nair, the drivers of Travancore Titanium Products Ltd., to the level of pay of Thiru A. P. Govindan.

9. It is contended by the Respondent-Management that the Management has got every right to give additional

increments or higher basic pay to the driver Thiru A. P. Govindan as per the provisions of Subordinate Service Rules which was in force. It is further contended that there was absolutely no discrimination or unfair labour practice as alleged. It is further contended by the Management that taking into consideration of his previous experience of 17 years at that time, the Management granted him nine additional increments to protect his salary which he was drawing from his previous employer. As already discussed above, the two trade unions representing the three drivers would contend that the duties and responsibilities of the three drivers are identical to the duties and responsibilities of Thiru A. P. Govindan. It was further contended that the juniors were getting more pay than the seniors. It was contended that it is against equitable principle and accepted norms of seniority. It was argued that the senior cannot be paid less than the junior. It was held that the aggrieved drivers represented by two unions are entitled to have their pay stepped up to make it on par with pay fixed for Thiru A. P. Govindan. The said award was passed by the Industrial Tribunal, Madras on 24-1-1985.

10. It is pointed out that drawing inspirations from Ex. W8 award, the claimants referred in the issue who are in the cadre of Carpenter, Rigger, Electrician and Fitter working in different sections of engineering department have submitted individual representations for rectification of anomalies viz-a-viz that of driver A. P. Govindan and others. Since four drivers including Thiru A. P. Govindan referred above were receiving highest basic pay, those 17 workers represented by four trade unions were also agitating for the rectification of basic pay. In this juncture, it is pertinent to discuss the following few facts for arriving a just decision in this case.

11. As already discussed above, one Thiru A. Abdul Rahman referred as 18th worker in this reference has submitted a petition to the Manager of the Respondent-company on 11-12-1985. He contended that the drivers who were appointed two years after his appointment in the same cadre and department as that of his position, were receiving higher basic pay of Rs. 790 than that of the said Thiru A. Abdul Rahman. The said petition was marked as Ex. W3. However, the request of the workman was not considered by the Respondent-Management. While rejecting the claim of the workman, the management pointed out the two reasons. (1) The workman was not belonging to the same cadre of the other drivers and (2) the claim of the workman did not come within the provisions of the existing anomaly rules of the company. It is seen that the workman again presented another petitioner under Ex. W5 to the Managing Director, T. T. P. Limited, Trivandrum-21 for consideration on 8-4-1986. His request was again not considered by the Management under Ex. W6. Thereafter the four unions representing 17 workers took up the cause of workmen and raised an Industrial Dispute. The said objection raised by the four

trade unions was considered and thereafter the Government of India referred the issue before this Tribunal for adjudication.

12. As already stated above, my predecessor examined Thiru A. Abdul Rehman as WW.1 and Exs. W1 to W.24 were marked. Thiru K. M. Saraschandran was examined as MW.1 and Exs. M1 to M8 were marked. After remand, this Tribunal issued notices to the parties through Court for their appearance on 20-6-2002. All the four unions received the said notices and the Management also received the same. When this Industrial dispute was called on 20-6-2002, Thiru K. Anand, M/s B. S. Krishnan Associates filed Vakalat for management. However, on the side of the Trade Unions, none of them appeared before this Tribunal, hence, this Tribunal adjourned the case to 5-7-2002. On 5-7-2002, the Management was represented by Counsel and no representation was made on behalf of workmen. A fresh notice was ordered to be issued for appearance of Unions on 17-7-2002. On 17-7-2002, as notice was served, union Nos. 1 and 4 were not represented. Then the case was again posted to 9-8-2002. As there was no representation on behalf of Unions, a private notice was ordered on 9-8-2002 for appearance on 6-9-2002. On 6-9-2002, the learned counsel appearing for the Respondent-Management represented before this Tribunal by stating that in spite of receipt of the notice by the four trade unions, none of them appeared before this Tribunal. To establish the service of the notices on the trade unions, the learned counsel for the management filed a memo to that effect. This Tribunal again adjourned this case to 20-9-2002 for appearance of the Petitioner-Unions. On that date also none of the trade Unions representing 17 workmen appeared before this Tribunal and represented the matter. In this juncture, the learned counsel appearing for the management produced an affidavit of MW.2 Thiru P. M. Shihabudheen. Further, the learned counsel produced additional documents and marked as Exs. M9 to M26. The learned counsel appearing for the Management argued the case on merits. On a careful perusal of evidence of WW.1 and that of documents produced on the side of trade unions and also considered the arguments advanced by the learned counsel appearing for the Management the following award is passed.

13. With regard to the allegation of discrepancies for fixing the basic pay, WW.1 Thiru A. Abdul Rehman has categorically stated certain allegations referred in the Claim statement filed by the Secretaries of trade unions. According to WW.1, he has stated that Thiru A. P. Govindan was newly absorbed (appointed after probation on 13-10-1977). He would state that his basic pay was started at Rs. 360 from 13-10-1977 in the scale of Rs. 220-650. It is stated by WW.1 that in such a way a special treatment was given to Thiru A. P. Govindan. The witness and other workers who are seniors to the said Govindan started giving far/effort pay from 13-10-1977 onwards. The

Subordinate Service Rules was enforced on 13-10-1977. It continued subsequently also. The appointment of Thiru A. P. Govindan as a driver was also made under these rules w.e.f. 1-6-1977. Such appointment of Govindan giving him Rs. 360 at the start is unfair labour practice. It is alleged by WW.1 that all the workmen including Thiru A. P. Govindan are in the same cadre. Further, all the workmen including Govindan attended similar duties. They received the same pay scale. They also governed the same rules. According to W.W.1, his representation (Ex. W3) before the Management was rejected under Ex. W4. He would state that after the rejection of his request he submitted a claim before the Management under Ex. W5. The management again rejected his claim under Ex. W6. WW1 also referred about the dispute relating to I. D. No. 77 of 1984 between the Unions and the Management. He would state that based on the award passed by the then Industrial Tribunal, Madras, all the workmen referred in the reference given representation through Union raising the same issue before the Assistant Labour Commissioner. It is stated by WW.1 that the conciliation talks held before the Assistant Labour Commissioner were failed. On the basis of Failure report forwarded by the Assistant Commissioner of Labour, the present reference has been referred by the Government of India. According to WW.1, he would state that since the Govt. of India was not satisfied with the claim of workmen, the said reference was not forwarded for adjudication and thereafter, trade unions filed a Writ Petition before the Hon'ble High Court of Kerala and thereafter on the basis of directions given in that Writ Petition, the present reference was ordered.

14. To strengthen the case of the workman, WW.1 referred another Industrial Dispute (I.D. No. 15/87) between the Workman one Thiru Rajan Valath and the Management. In that dispute, junior worker one Thiru Verghese who was a tradesman receiving more pay than that of Thiru Rajan Valath even the Rajan Valath was senior to Verghese. In that dispute, the Management contended that both Rajan Valath and Verghese belonged to different cadre and therefore Rajan Valath cannot be given pay like that of Verghese. In I.D. No. 15/1987, it was decided in favour of Rajan Valath (as per Ex. W15). It was contended by WW.1 that the workers in Mechanical department were doing similar duties to that of the drivers and the Chargehand/Mechinist Staff Driver. It is contended that the Management's stand is quite opposed to Service Rules. He would admit that there are around 48 categories of workers having the same pay scales. With regard to the differentiation in respect of cadre of 17 tradesmen to that of the cadre of drivers, WW.1 has stated that there is no differentiation. According to him, it is one and the same. With regard to the duties of the two, WW.1 has stated that their duties are similar to that of drivers. With regard to the selection also, the mode of selection of driver and that of the selection of claimants are not different. With

regard to the stay granted by the Hon'ble Kerala High Court in the matter of Rajan Valath, WW.1 has stated that he did not know the Kerala High Court stayed the award given in favour of Rajan Valath. This is the evidence adduced by W.W.1 with regard to the allegations referred in the Claim Statement filed by four trade Unions.

15. Prior to remand of this case, one Thiru K.M. Saraschandran was examined as M.W. 1. He was then Manager (Personnel Administration) of the Respondent Company. M.W. 1 has stated about the relevant facts with regard to I.D. No. 77/1984. He would state that as per Ex. M.1 at page (4) item 4 covers 48 categories of employees all are having a common scale of pay (i.e.) Rs. 280-25-905. This scale of pay was fixed as per Ex. M.1 settlement dated 30-9-1985. According to M.W.1, a Subordinate Service Rules was framed in the year 1967 under Ex. M7. He would state that anomalies with regard to pay raising from promotions from general pay revisions then and there were rectified. He would state that 17 workers in this Industrial dispute are claiming parity with different trade (i.e.) drivers. As to duties, qualifications, mode of selection, channel of promotion, the position of drivers is quite different from the position of the 17 claimants. He would point out that the 17 claimants cannot be interchanged in their jobs. He would point out that there is no precedent of rectifying any anomaly between workers of different cadres/trades, i.e. drivers on one hand and 17 claimants on the other hand. He would point out that 17 claimants belong to one and the same department (i.e.) Engineering. He would state that these 17 workmen were drawing more pay than three drivers prior to the appointment of Thiru A. P. Govindan. From 1985 onwards, Chargehand Mechanics and Staff Vehicle Drivers were equally eligible for promotion as Supervisor (Vehicles), because both were feeder category posts for filling up supervisors as per Ex. M6. MW. 1 has categorically stated that the duties of 17 claimants are not similar to the duties of these four drivers. Since both of them belonged to different cadres and hence the parity of fixation of salary cannot be given. Even though the scale of pay is similar to both parties, however the parity of scale of pay cannot be fixed. With regard to the attendance of duties, MW. 1 would point out that they are not doing the similar duties and not doing the same duties also.

16. During the course of arguments, the learned counsel appearing for the management would point out that the Petitioners/Workmen referred in the reference are in different categories, such as Carpenters, Riggers, Electricians and Fitters. All are working under the control of engineering department (working in different sections). With regard to the scale of pay, nature of work attended by the two, the learned counsel would point out that even though the workmen contended that they are receiving the same scale of pay and attending the similar work like that of four drivers, their contention could not be accepted for the reason that both of them are in different cadres.

Further, the learned counsel would point out that there is no similarity with regard to the nature of work attended by the workmen and the drivers. With regard to the fixation of basic pay between Thiru A. P. Govindan and the other three drivers in I. D. No. 77/1984, the learned counsel would point out that the driver Thiru A. P. Govindan and other three drivers were working in the same department and attending the same work since it is pointed out that even though Thiru A. P. Govindan has got lot of experience (17 years) in other departments prior to the appointment into this Management, considering his past service the Management has fixed the basic pay raising nine additional increments. Even though the said A. P. Govindan was senior man to that of other three drivers, considering the latter appointment of A. P. Govindan than that of other drivers to eradicate that discrepancy, the scale of pay of three drivers was fixed on par with that of Thiru A. P. Govindan considering their appointments in their departments prior to the appointment of Thiru A. P. Govindan. During the course of arguments, the learned counsel appearing for the management would point out that the demand of 17 workmen will not come under the existing anomaly rectification rules. It is stated that the Subordinate Service Rules came into effect from 1st June, 1977. The claimants were working in the engineering department as on 13-4-1977. Under such circumstances, they cannot claim rectification anomaly and further they cannot get benefits as that of the cadre in Production department. He would point out that the claimants themselves are attending in different departments. As on 13-4-1977, the claimants and the four drivers were working in different departments. So, the drivers who were working in various departments cannot claim such benefits like that of drivers in production department. It is pointed out that the anomaly is to rectify only based on the category-wise and not based on the scale of pay. He would vehemently point out that no such rule provide that all persons working in various cadres receiving the same pay may get rectification. Further, the learned counsel would point out that any promotion awaited in the post of Chargehand, Electrician, Fitter, Carpenter and Rigger were considered. The Chargehand may be promoted as Supervisor. The Supervisors can be appointed as Assistant Engineers. Whereas with regard to the drivers promotion opportunity, it is only in a limited circuit. The drivers can be promoted as staff drivers and thereafter they can be promoted as Supervisors (Vehicles). The minimum qualification for holding the post of driver is different from that of the other tradesman. The nature of duty is also different from each other. It is pointed out that the claimants are attending different nature of work in different cadres and therefore they cannot be equated with that of the drivers. He would point out that with regard to the fixing of seniority, a separate seniority list followed for each and every category. During the course of arguments, the learned counsel would point out that there are certain tradesmen

such as Thiruvallargal, V. K. Sreenivasan, G. Srivaranjan, A. Neshamoni and L. Sasidharan were given quick promotion when compared with the promotion given to that of drivers. The learned counsel would point out that the demand of the Unions is for stepping up of basic pay of an employee in one department based on the promotion and fixation of pay made to an employee in another department could not be taken into consideration. Further, the learned counsel would point out that there is absolutely no discrimination shown by the management against the claimant-employees. It is pointed out that the higher start (basic pay) given to the drives cannot be taken as an yardstick for claiming the same higher start to employees in different trade, different cadres and different departments and such claim will definitely upset the system prevailing in the management-company. It is further stated by the learned counsel that the higher start given to drivers cannot be regarded as anomaly in different trade, different cadre, different department having separate rules for appointment, promotions etc. Under such circumstances, the stepping up their pay to that of the drivers could not be entertained. Further, the learned counsel would point out that there are several settlements entered into between the management in the workmen from the year 1975 to 1998 under Exs. M 18 to M 24. It is pointed out that several benefits were granted to the workmen on various occasions. Under these circumstances, the learned counsel would point out that no interference is needed to rectify the anomaly in the salary of 17 employees mentioned in the reference.

17. On a careful consideration of the entire oral evidence and on perusal of entire documentary evidence, this Tribunal is of the view that the demand of the claimants with regard to the rectification of anomalies in the salary of the 17 employees mentioned in the reference could not be granted in favour of the workmen. As already discussed above, even though the scale of pay of 17 workmen is similar to that of scale of pay of four drivers are one and the same and that status itself could not be taken into consideration for fixing the anomaly of rectification in the salary of workmen. It is further pointed out that since the cadre and the nature of work attended by the workmen are totally different from that of four drivers, under such circumstances, no probability has arisen in favour of the workmen to grant such relief asked for.

18. In the result, this Tribunal is not inclined to fix the basic pay of 17 workers enlisted in Ex. W1 scheduled at Rs. 360 in the scale of Rs. 220-650 as in the case of Thiru A. P. Govindan with effect from the same date on which the said basic pay was given to A. P. Govindan with all consequential benefits subsequently occurred by that fixation of pay of Rs. 360 instead of Rs. 220 in the scale of Rs. 220-650 as that of workers in engineering department in the same time scale. Accordingly this award is passed not in favour of workmen. No costs.

Dated, this 31st day of October, 2002.

S. K. KRISHNAN, Industrial Tribunal

I. D. No. 24/89

Witnesses Examined

Before Remand :

For Petitioner/Workmen

WW1 : Thiru A. Abdul Rahiman

For Management :

MW1 : Thiru K. M. Saraschandran

After Remand:

MW2 : Thiru P. M. Shihabudheen.

Documents marked

For Workman :

Ex. W1 : Statement showing the name of 17 workers their designation and service particulars (xerox).

Ex. W2 : Statement showing name of 3 workers, their designation and service particulars (xerox).

Ex. W3 11-12-85 : Letter from Th. A. Abdul Rahiman to the Management requesting to rectify the anomaly in the Pay scale (xerox).

Ex. W4 1-1-86 : Reply by Management to Ex. W3 (xerox).

Ex. W5 8-4-86 : Letter from Thiru A. Abdul Rahiman to the Management regarding revision of pay scales (xerox).

Ex. W6 13-5-86 : Reply by Management to Ex. W5 (xerox).

Ex. W7 23-12-87 : Xerox copy of the order of the Labour Court, Quilon in Claim petition No. 22/80.

Ex. W8 24-1-85 : Xerox copy of the Award of the Industrial Tribunal, Madras in I. D. 77/84.

Ex. W9 27-6-86 : Joint representation submitted by the petitioner Unions to the Management (xerox).

Ex. W10 27-6-86 : Letter from the Petitioner union to the Asst. Labour Commissioner, Ministry of Labour and Employment Govt. of India, Trivandrum regarding the Anomaly of Pay of some workers (xerox).

Ex. W11 26-11-86 : Conciliation failure report and Minutes of Conciliation Proceedings dt. 4-11-86.

Ex. W12 16-10-87 : Order No. L-29011/41/86-D III(B) II(B) of the Ministry of Labour, Govt. of India regarding rectification of Anomalies existing in the Salary of certain employees (xerox).

Ex. W13 24-10-88 : Xerox copy of Judgement of Kerala High Court in O. P. No. 1500/88-C (xerox).

Ex. W14 1-3-89 : Order of reference in Adjudication to this Tribunal (xerox).

Ex. W15 22-12-89 : Award of Industrial Tribunal, Quilon in I. D. 15/87 (xerox).

Ex. W16 14-6-72 : Memorandum of Settlement between parties (xerox).

Ex. W17 13-11-78 : Order of Personal Manager of the Management regarding rectification of basic pay of Thiru A. C. Powlose (xerox).

Ex. W18 21-1-83 : Order of Personnel Manager of the Management regarding rectification of the basic pay of Thiru S. Benson (xerox).

Ex. W19 3-12-85 : Representation submitted by Th. Rajan Valath to the management (xerox).

Ex. W20 26-3-86 : Appeal preferred by Th. Rajan Valath to the management regarding rectification of anomaly in his basic pay (xerox).

Ex. W21 16-6-86 : Representation submitted by the Titanium Workers Union to the management regarding rectification of the anomaly to the basic pay of Th. Rajan Valath (xerox).

Ex. W22 3-3-86 : Reply by the management to Ex. W19 (xerox).

Ex. W23 16-4-86 : Reply by the management to Ex. W20 (xerox).

Ex. W24 16-4-86 : Subordinate Service Rules of the Management effective from June 1977 (xerox).

For Management :

Ex. M1 30-9-85 : Memorandum of Settlement between Workmen and Management (xerox).

Ex. M2 14-6-76 : Order of Managing Director regarding anomalies in basic pay of employees (xerox).

Ex. M3 1-10-77 : Order of Managing Director regarding anomalies in basic pay of employees (xerox).

Ex. M4 12-10-77 : Order of Managing Director regarding anomalies in basic pay of employees (xerox).

Ex. M5 9-1-78 : Order of Managing Director regarding anomalies in basic pay of employees (xerox).

Ex. M6 9-1-78 : Subordinate Service Rules of the Management effective from 1-5-95.

Ex. M7 9-1-78 : Schedules in Para. III of Subordinate

- Service Rules of Travancore, Titanium Products Ltd. 1967(xerox).
- Ex. M8 9-1-78 : Subordinate Service Rules of Travancore, Titanium Products, 1977, Pages 11 to 14.
- Ex. M9 9-1-78 : Copy of the Subordinate Service Rules 1967 (xerox).
- Ex. M10 9-1-78 : Copy of the Subordinate Service Rules with amendment as on 30-4-1999.
- Ex. M11 9-1-78 : Seniority list of Employees, 1978.
1. Carpenter—P. No. 160
 2. Rigger—P. No. 151
 3. Electrician—P. 148—150
 4. Fitter—P. 145—146.
 5. Driver—P. 161
- Ex. M12 Seniority list of employees—1985 :
1. Carpenter—P. 222
 2. Rigger—P. 213
 3. Electrician—P. 202-203
 4. Fitter—P. 197
 5. Driver—P. 217
- Ex. M13 : Copies of the orders dated 29-9-77, 10-11-82, 27-10-95 issued to Sri V. K. Srinivasan (3 Nos.).
- Ex. M14 : Copies of the orders dated 26-11-77, 19-7-88 and 6-12-93 issued to Sri Srivarajan (3 Nos.)
- Ex. M15 : Copies of the Orders dated 9-11-77, 14-7-82, 28-12-95 and 02/62 issued to Sri Nesamani (4 Nos.)
- Ex. M16 : Copies of the orders dt. 20-4-83, 17-4-96 and 26-10-01 issued to Sri Sasidharan Kani (3 Nos.)
- Ex. M17 : Copies of the orders dated 27-8-76, 1-1-77 and 9-5-94 issued to Samuel Kunju Koshy (3 Nos.)
- Ex. M18 : Copy of the Memorandum of Settlement dt. 31-12-75.
- Ex. M19 : Copy of the Memorandum of Settlement dt. 24-8-79.
- Ex. M20 : Copy of the Memorandum of Settlement dt. 27-12-1982.
- Ex. M21 : Copy of the Memorandum of Settlement dt. 5-2-1981.
- Ex. M22 : Copy of the Memorandum of Settlement dt. 15-5-1990.

Ex. M23 : Copy of the Memorandum of Settlement dt. 20-1-1994.

Ex. M24 : Copy of the Memorandum of Settlement dt. 31-8-1998.

Ex. M25 : Break up details showing the date of Joining and Promotions to the Drivers and the Claimant-workers.

Ex. M26 : Stay order dt. 24-11-97 of Hon'ble High Court of Kerala in W. A. No. 1704/97.

नई दिल्ली, 30 दिसम्बर, 2002

का. आ. 327.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार स्टेट बैंक ऑफ बीकानेर एंड जयपुर के प्रबंधन के सम्बद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में औद्योगिक अधिकरण, जोधपुर के पंचाट (संदर्भ संख्या आई. डी. सं. 8/96) को प्रकाशित करती है, जो केन्द्रीय सरकार को 27-12-2002 को प्राप्त हुआ था।

[सं. एल-12012/221/96आई. आर. (बी-1)]
अजय कुमार, डेस्क अधिकारी

New Delhi, the 30th December, 2002

S.O. 327.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (I.D. No. 8/96) of the Industrial Tribunal/Labour Court, Jodhpur as shown in the annexure in the Industrial Dispute between the employers in relation to the Management of State Bank of Bikaner and Jaipur and their workman, which was received by the Central Government on 27-12-2002.

[No. L-12012/221/96-IR (B. 1)]

AJAY KUMAR, Desk Officer

अनुबंध

श्रम न्यायालय, जोधपुर

पीठासीन अधिकारी : श्रीमती निशा गुप्ता, आर.एच. जे. एस.

श्रम विवाद संख्या : 8/96

रामेश्वर बिस्सा पुत्र श्री बिरदराज जी बिस्सा, फुला रोड, उन्दरियों की गली, जोधपुर। ... प्रार्थी

बनाम

1. स्टेट बैंक ऑफ बीकानेर एंड जयपुर जरिये जनरल मैनेजर हैड ऑफिस तिलक मार्ग, जयपुर।
2. शाखा प्रबंधक, स्टेट बैंक ऑफ बीकानेर एंड जयपुर जालोरीगेट शाखा, जोधपुर।
3. शाखा प्रबंधक, एस. बी. बी. जे. खाण्डाफल्सा शाखा, जोधपुर।
4. शाखा प्रबंधक, एस. बी. बी. जे. भगत की कोठी शाखा, जोधपुर।

5. शाखा प्रबंधक, एस. बी. बी. जे. चोखा शाखा, जिला जोधपुर।
6. शाखा प्रबंधक, एस. बी. बी. जे. सालवा कला शाखा, जिला जोधपुर।

... अप्राथीगण

उपस्थिति :

- (1) प्रार्थी की ओर से श्री विनोद पुरोहित प्रतिनिधि उप.
- (2) अप्राथी की ओर से श्री वासुदेव व्यास प्रतिनिधि उप.

अधिनिर्णय

दिनांक 02-11-2002

श्रम मंत्रालय भारत सरकार, नई दिल्ली ने अपनी विज्ञप्ति क्रमांक एल. 12012/221/96 आई. आर. (बी. 1) दिनांक 22-11-96 से निम्न विवाद वास्ते अधिनिर्णय इस न्यायालय को प्रेषित किया है :

Whether the action of the management of State Bank of Bikaner and Jaipur, Jodhpur in terminating the services of Shri Rameshwar Bissa S/o Shri Birad Raj Bissa is legal and justified ? If not, to what relief the workman is entitled ?

प्रार्थी ने अपना मांग-पत्र प्रस्तुत करते हुए अभिकथित किया है कि प्रार्थी की सर्वप्रथम नियुक्ति दिनांक 23-6-80 के आदेश द्वारा अस्थायी चपरासी के रिक्त पद पर 80 दिन के लिए की गई उक्त क्रम में अप्राथी सं. 2 द्वारा प्रार्थी को मेमोरेण्डम 23-6-80, 23-7-80, 22-8-80 एवं अनुभव प्रमाण पत्र 12-11-80, 22-8-80, 12-11-81 प्रदान किये। इसके पश्चात् प्रार्थी को अस्थायी चपरासी के रिक्त पद पर 24-4-81 से 21-8-81 तक 120 दिवस के लिए 2-4-84 से 21-7-84 तक 122 दिवस के लिए 1-9-85 से 8-12-85 तक 140 दिवस के लिए व 25-10-87 से 31-1-88 तक 99 दिवस के लिए नियुक्तियां प्रदान की गई, उक्त अवधियों में प्रार्थी द्वारा बैंक में पानी पिलाना, वाटर कूलर भरना, स्टेशनरी/रिकार्ड जमाना, पुराना वाउचर्स सिलाई करना आदि का कार्य किया गया। इसके पश्चात् प्रार्थी को अप्राथी सं. 3 ने अपने बैंक में दिनांक 18-7-87 से 25-9-87 तक 70 दिवस, 2-11-87 से 21-12-87 तक 50 दिवस, 17-7-88 से 30-8-88 तक 45 दिवस के लिए दैनिक वेतन भोगी कर्मचारी के रूप में चतुर्थ श्रेणी के पद का कार्य करवाया गया। इसके पश्चात् प्रार्थी को अप्राथी सं. 4 की बैंक में 14-7-89 से 25-9-89 तक 74 दिवस कार्य करवाया गया व इसके बाद अप्राथी सं. 5 के बैंक में प्रार्थी को 3-10-89 से 1-11-89 तक 30 दिवस तक कार्य करवाया गया तत्पश्चात् अप्राथी सं. 6 बैंक में प्रार्थी को 15-11-89 से 30-11-89 तक 16 दिवस तक कार्य करवाया गया तथा अप्राथी सं. 6 ने पुनः 1-12-89 से 13-4-90 तक 140 दिन कार्य करवाया तथा इसके पश्चात् प्रार्थी को अप्राथी सं. 2 के बैंक में 11-5-90 से 11-12-90 तक 214 दिवस कार्य करवाया गया। प्रार्थी से अप्राथी सं. 2 द्वारा सेवा कार्य लिया गया लेकिन वेतन भुगतान अलग-अलग नाम से वाउचर बनाकर प्रदान किया गया। इस प्रकार स्पष्ट है कि प्रार्थी ने वर्ष 1980 से वर्ष 1990 तक के लम्बी अवधि तक निरन्तर काल्पनिक ब्रेक्स सहित विभिन्न शाखाओं में अप्राथी सं. 2 से 5

के अधीन चतुर्थ श्रेणी कर्मचारी के पद का कार्य किया। प्रार्थी का कथन है कि उसकी नियुक्ति रिक्त पदों के विरुद्ध की गई लेकिन प्रार्थी की सेवा अवधि को 11-12-90 के पश्चात् न बढ़ाकर प्रार्थी को मन-माने तौर पर सेवापृथक कर दिया और उसके स्थान पर अन्य व्यक्तियों को अस्थायी नियुक्ति प्रदान कर दी। प्रार्थी का आगे कथन है कि अप्राथी सं. 1 द्वारा प्रार्थी एवं अन्य समान अनेकों भूतपूर्व कर्मचारियों को पुनः नियुक्ति दिये जाने के क्रम में एक परिपत्र दिनांक 23-4-87 को जारी किया गया जिसके क्रम में प्रार्थी ने अपना आवेदन दिया लेकिन आवेदन के बावजूद प्रार्थी को पुनः सेवा में नियोजित नहीं किया जिस पर प्रार्थी ने 9-3-92 को अपने अधिवक्ता के माध्यम से अप्राथीगण को नोटिस प्रेषित किया लेकिन इसके बावजूद भी प्रार्थी को न तो नियुक्ति प्रदान की गई व न ही कोई कार्यवाही की गई। प्रार्थी द्वारा न्याय प्राप्ति के क्रम में माननीय उच्च न्यायालय में रिट याचिका भी प्रस्तुत की गई जिस पर माननीय उच्च न्यायालय ने आदेश दिनांक 7-10-96 के जरिये उक्त प्रकरण को संबंधित श्रम न्यायालय में निस्तारण के क्रम में रेफर करने के आदेश जारी किये। प्रार्थी का यह भी कथन है कि अप्राथी द्वारा प्रार्थी की सेवा समाप्त करने से पूर्व कोई वरिष्ठता सूची भी प्रकाशित नहीं की गई। अन्त में निवेदन किया है कि प्रार्थी की दिनांक 11-12-90 को की गई सेवामुक्ति को अनुचित एवं अवैध घोषित किया जाकर प्रार्थी को सेवा की निरन्तरता में पूर्ण लाभों सहित सेवा में पुनर्स्थापित किये जाने का अधिनिर्णय पारित किया जावे।

प्रार्थी के मांग-पत्र का अप्राथी सं. 2 की ओर से जवाब प्रस्तुत करते हुए प्रारम्भिक आपत्तियों में कहा है कि छः अप्राथीगण के विरुद्ध एक साथ मांग-पत्र प्रस्तुत किया गया है वह कानूनन चलने योग्य नहीं है। आगे जवाब में कहा है कि प्रार्थी की अस्थायी नियुक्ति केवल 30 दिन के लिए 23-6-80 को अप्राथी सं. 2 द्वारा की गई थी, प्रार्थी का यह कथन गलत है कि उसे रिक्त पद पर 80 दिवस की अस्थायी नियुक्ति प्रदान की गई हो उक्त 30 दिवस की नियुक्ति के पश्चात् प्रार्थी को 23-7-80 को 30 रोज की अस्थायी नियुक्ति एवं 22-7-80 को 20 रोज की अस्थायी नियुक्ति प्रदान की गई थी उसके पश्चात् निर्धारित समयावधि के पश्चात् 10-9-80 को प्रार्थी की सेवाएं स्वतः समाप्त हो गई। प्रार्थी ने यह स्पष्ट नहीं किया है कि उसने अलग-अलग अवधि में कहा-कहां कार्य किया, विभिन्न अवधियों में नियुक्ति के संबंध में कोई रिकार्ड पेश नहीं किया है, यदि उक्त अवधियों में प्रार्थी ने ठेके पर कोई कार्य किया है तो उसका सेवा अवधि से कोई संबंध नहीं है। प्रार्थी ने यह नहीं बतलाया है कि उसके स्थान पर किस अन्य व्यक्ति को अस्थायी नियुक्ति प्रदान की गई। प्रार्थी ने अप्राथी के यहां सन् 1980 में 80 रोज कार्य किया उसी के अनुसार उसे वेतन एवं भत्ते दे दिये गये, इसके बाद में प्रार्थी की कभी भी नियुक्ति नहीं की गई। यह सही है कि भूतपूर्व कर्मचारियों को पुनः नियुक्ति दिये जाने के क्रम में परिपत्र दिनांक 23-4-87 को जारी किया गया जिसकी पालना में प्रार्थी ने आवेदन पत्र प्रस्तुत किया लेकिन प्रार्थी नियुक्ति पाने का अधिकारी नहीं पाया गया। अन्त में निवेदन किया है कि प्रार्थी का मांग-पत्र मय खर्च अस्वीकार किया जावे।

अप्राथी सं. 3 ने जवाब प्रस्तुत करते हुए कहा है कि प्रार्थी ने अप्राथी सं. 3 के यहां दैनिक वेतन भोगी कर्मचारी के रूप में कोई कार्य नहीं किया जब प्रार्थी ने अप्राथी सं. 3 के यहां कोई अस्थायी सेवाएं नहीं

दी तो फिर उसे नियोजन पाने का अधिकार नहीं रहता, अप्रार्थी सं. 3 के विरुद्ध मौजूदा मांग-पत्र खारिज होने योग्य है अतः प्रार्थना की है कि प्रार्थी का मांग-पत्र मय खर्च खारिज किया जावे।

अप्रार्थी सं. 4 की ओर से जवाब प्रस्तुत करते हुए कहा गया है कि प्रार्थी ने अप्रार्थी सं. 4 के अधीन दैनिक वेतन भोगी कर्मचारी के रूप में कार्य नहीं किया, जब प्रार्थी ने अप्रार्थी सं. 4 के यहां कोई अस्थाई सेवाएं नहीं दी तो फिर उसे नियोजन पाने का अधिकार नहीं रहता, अप्रार्थी सं. 4 के विरुद्ध मौजूदा मांग-पत्र खारिज होने योग्य है। अतः प्रार्थना की है कि प्रार्थी का मांग पत्र मय खर्च खारिज किया जाये।

अप्रार्थी सं. 5 की ओर से जवाब प्रस्तुत करते हुए कहा गया है कि प्रार्थी ने अप्रार्थी सं. 5 के यहां अस्थाई कर्मचारी के रूप में केवल 30 रोज के लिए 3-10-89 से 1-11-89 तक कार्य किया जो नियुक्ति बिल्कुल अस्थाई तौर पर केवल 30 रोज के लिए की गई थी जिसमें स्पष्ट उल्लेख किया गया था कि प्रार्थी की अस्थाई सेवाएं 1-11-89 को बिना किसी नोटिस के समाप्त कर दी जायेगी, उक्त निर्धारित अवधि के पश्चात् स्वतः ही सेवाएं समाप्त हो गई और उसके पश्चात् अप्रार्थी सं. 5 के यहां प्रार्थी ने कोई सेवाएं नहीं दी, 1-11-89 की अस्थाई सेवाएं समाप्त होने के पश्चात् प्रार्थी उक्त बैंक में नियोजन पाने का कोई अधिकार नहीं रखता है। अन्त में निवेदन किया है कि प्रार्थी का प्रार्थना पत्र अप्रार्थी सं. 5 के विरुद्ध खारिज किया जाये।

अप्रार्थी सं. 6 की ओर से जवाब प्रस्तुत करते हुए कहा गया है कि प्रार्थी ने उसके अधीन केवल 16 दिन अस्थाई रूप में सेवाएं दी जो अवधि 15-11-89 से 30-11-89 तक की है, उक्त नियुक्ति बिल्कुल अस्थाई रूप में की गई जो 30-11-89 को समाप्त हो गई, उक्त नियुक्ति किसी स्थाई नियमित रिक्त पद के विरुद्ध नहीं की गई थी, अतः 16 रोज की अवधि के पश्चात् प्रार्थी को नियोजन का कोई अधिकार नहीं रहा। अतः प्रार्थी अप्रार्थी सं. 6 से कोई राहत पाने का अधिकार नहीं है। अन्त में निवेदन किया है कि प्रार्थी का प्रार्थना पत्र अप्रार्थी सं. 6 के विरुद्ध खारिज किया जावे।

अप्रार्थी सं. 1 की ओर से मांग-पत्र का जवाब प्रस्तुत करते हुए कहा गया है कि प्रार्थी ने 1200 दिवसीय सेवा अवधि के दौरान अप्रार्थी बैंक की विभिन्न शाखाओं में चपरासी के पद पर कोई कार्य नहीं किया बल्कि उसने दिनांक 23-6-80 से 10-9-80 तक केवल 80 रोज के लिए जालोरीगेट शाखा में अस्थाई रूप से बिना किसी रिक्त पद के होते हुए कार्य किया और उसके पश्चात् उसने उक्त बैंक की चौखा शाखा में केवल 30 रोज के लिए 30-10-89 से 1-11-89 तक कार्य किया उसके पश्चात् उक्त बैंक की सालवा कला शाखा में 15-11-89 से 30-11-89 तक 16 दिन कार्य किया अतः बैंक के निर्देशों के अनुसार प्रार्थी स्थाई नियुक्ति पाने का हकदार नहीं है। यह भी कहा गया है कि बैंक के परिपत्र दिनांक 23-4-87 एवं उसके पश्चात् जारी परिपत्रों के अनुसार बैंक में प्राप्त आवेदन-पत्रों के आधार पर अधीनस्थ वर्ग में 1-1-82 के पश्चात् 90 दिन अथवा अधिक दिनों के लिए अस्थाई रूप से जिन्होंने कार्य किया है ऐसे 508 कर्मचारियों की एक सूची बनाई गई थी जिसके साक्षात्कार दिसम्बर 90 में किये गये थे चूंकि प्रार्थी ने 1-1-82 के पश्चात् 90 दिनों तक अस्थाई रूप से बैंक में कार्य नहीं किया था इसलिये उसका नाम उक्त सूची में सम्मिलित नहीं किया जा

सका, बैंक परिपत्रों के अनुसार प्रार्थी स्थाई नियुक्ति प्राप्त करने का अधिकार नहीं है, प्रार्थी ने 1-1-82 के पश्चात् केवल 46 रोज ही उक्त बैंक की चौखा एवं सालवा कला शाखा में क्रमशः 30 रोज व 16 रोज कार्य किया। यह भी कहा गया है कि प्रार्थी की कोई नियुक्ति बैंक के सक्षम अधिकारी द्वारा नहीं की गई थी। प्रार्थी पुनः सेवा में नियोजित किये जाने का अधिकारी नहीं है तथा प्रार्थी को 11-10-78 से निरन्तर सेवा में मानने का भी कोई आधार नहीं है। अन्त में निवेदन किया है कि प्रार्थी का मांग-पत्र सव्यय खारिज किया जावे।

प्रार्थी ने अपने मांग-पत्र के समर्थन में स्वयं का शपथ-पत्र प्रस्तुत किया जिस पर अप्रार्थी प्रतिनिधि द्वारा जिरह की गई तथा अप्रार्थी की ओर से उत्तमचन्द जैन, उदयलाल कोठारी, अश्विनी कुमार बक्षी के शपथ-पत्र प्रस्तुत किये गये जिन पर प्रार्थी प्रतिनिधि ने जिरह की तथा आर. डी. मोदी के बयान करवाये।

दोनों पक्षों के प्रतिनिधिगण की बहस सुनी, पत्रावली का अंशलोकन किया।

प्रार्थी द्वारा अपने मांग-पत्र व शपथ-पत्र में यह कहा गया है कि प्रार्थी को 23-6-80 के आदेश द्वारा सर्वप्रथम अस्थाई चतुर्थ श्रेणी कर्मचारी के रिक्त पद पर 80 दिन की अस्थाई नियुक्ति प्रदान की गई थी इसके पश्चात् प्रार्थी ने जालोरीगेट शाखा, खाण्डाफल्सा शाखा, भगत की कोठी चौखा व सालवाकला शाखाओं में विभिन्न समय पर चतुर्थ श्रेणी कर्मचारी का कार्य किया लेकिन उसकी सेवाएं 11-12-90 को मनमाने तौर पर समाप्त कर दी गई। उसने विपक्षी के यहां लगभग 1200 दिन काम किया है, उसकी सेवामुक्ति अवैध है अतः उसे 11-12-90 से लगातार सेवा में माना जावे, विपक्षी के यहां उसने पुनः नियुक्ति हेतु भी आवेदन किया था इसलिये यदि उसकी प्रथम मांग नहीं मानी जावे तो उसे पुनः नियुक्त किया जावे और आयु सीमा में छूट प्रदान की जावे।

विपक्षी नं. 2 द्वारा यह कहा गया है कि प्रार्थी को केवल अस्थाई नियुक्ति दी गई थी और 10-9-80 के बाद प्रार्थी द्वारा कोई सेवा उनके यहां नहीं की गई है। केवल विपक्षी नं. 2 की ओर से यह स्वीकार किया गया है कि प्रार्थी ने पुनः नियुक्ति हेतु आवेदन पेश किया था परन्तु प्रार्थी नियुक्ति के योग्य नहीं था इसलिये उसका प्रार्थना-पत्र अस्वीकार कर दिया गया।

जहां तक विपक्षी के यहां कार्य करने का प्रश्न है, प्रार्थी ने यह कथन किया है कि उसने विपक्षी के यहां काम किया है और स्वयं विपक्षीगण ने भी इस बात को स्वीकार किया है, लेकिन 11-12-90 तक प्रार्थी ने विपक्षी के यहां कार्य किया हो, इस तथ्य का स्वयं प्रार्थी ने अपनी जिरह में खण्डन कर दिया है और उसने यह स्पष्ट स्वीकार किया है कि मेरी सेवाएं 10-9-80 को समाप्त हो गई थी। स्वयं प्रार्थी ने यह भी स्वीकार किया है कि उसने 1987 में जालोरीगेट शाखा में काम किया था, उसके बाद जालोरीगेट शाखा में काम नहीं किया, प्रार्थी द्वारा जो अपना शपथ-पत्र दिया उसके पैरा नं. 16 में 11-5-90 से 11-12-90 तक खाण्डाफल्सा शाखा में कार्य करना बताया जब कि मांग-पत्र में उसका यह कथन है कि जब 11-12-90 को उसे निकाला गया था वह जालोरीगेट शाखा में कार्यरत था। इस प्रकार प्रार्थी 11-12-90 को कहा कार्यरत था, इस संबंध में स्वयं प्रार्थी के ही विरोधीभासी कथन हैं और अपनी जिरह

में उसने स्वीकार किया है कि उसकी सेवाएं 10-9-80 को ही समाप्त कर दी थी। किस शाखा में कितने दिन काम किया यह बताने में प्रार्थी अपनी जिरह में असमर्थ रहा है।

बहस के दौरान स्वयं वकील प्रार्थी ने यह स्वीकार किया कि प्रार्थी ने विपक्षी के बहां हटाये जाने से पूर्व एक कलेण्डर वर्ष में 240 दिन तक कार्य नहीं किया और जो 1200 दिन की गणना की है वह विभिन्न शाखाओं में किये गये कार्य को जोड़कर की गई है। इस प्रकार 240 दिन की निरन्तर सेवा प्रार्थी द्वारा की गई हो, यह स्थिति साबित नहीं है और बहस के दौरान इस स्थिति को वकील प्रार्थी ने भी स्वीकार किया है। वकील प्रार्थी की मुख्य आपत्ति यह रही है कि जब दुबारा बैंक में नियोजन हुआ तो उसे नहीं बुलाया गया। इस संबंध में उसका प्रार्थना पत्र भी तन्मिबत है और ऐसी स्थिति में 25-एच की पालना नहीं हुई है। प्रार्थी का यह कथन रहा है कि उसने पुनः नियुक्ति हेतु प्रार्थना-पत्र प्रस्तुत किया था और प्रदर्श पी-8 उसका खाली फार्म पेश किया गया है। प्रदर्श पी-8 प्रार्थना-पत्र प्रार्थी का नहीं है बल्कि इस पर मोहन सिंह गहलोत के दस्तखत हैं। वकील प्रार्थी का यह कथन है कि इस प्रारूप में प्रार्थना-पत्र में प्रस्तुत किया गया था। स्वयं विपक्षी नं. 2 की ओर से 18-4-98 को श्री आर. डी. मोदी मुख्य प्रबन्धक द्वारा सत्यापित जो जवाब पेश हुआ है उसमें विपक्षी द्वारा यह माना गया है कि इस तरह का आवेदन पेश हुआ था इस तथ्य को बाद में शपथ-पत्र में खण्डित कर दिया गया है और उदयलाल कोठारी ने जो शपथ-पत्र पेश किया उसमें प्रार्थना-पत्र पेश करने के तथ्य से इन्कार किया है। उदयलाल ने अपनी जिरह में यह कथन किया है कि उसने अपने शपथ-पत्र के पैरा नम्बर-6 में आवेदन पेश करने का जो तथ्य लिखा है वह सही लिखा है, इसी क्रम में श्री आर. डी. मोदी के न्यायालय में भी बयान हुए परन्तु उनका यही कथन रहा कि प्रार्थी द्वारा प्रार्थना-पत्र पेश किया गया था और यह सब स्थिति उन्होंने हैड ऑफिस से पता करके लिखी थी। प्रार्थी का यह कथन रहा है कि जब उसके द्वारा प्रार्थना-पत्र प्रस्तुत किया गया है तो उस पर कार्यवाही की जानी चाहिये थी और न्यायालय के समक्ष वह प्रार्थना पत्र प्रस्तुत नहीं हुआ है अतः विपरीत उपधारणा की जाए व इस संबंध में ए. आई. आर. 1986 सुप्रीम कोर्ट पेज 132 एच. डी. सिंह बनाम रिजर्व बैंक ऑफ इण्डिया का विनिश्चय पेश किया। यह सही है कि विपक्षी नं. 2 ने अपने जवाब में यह स्वीकार किया है कि प्रार्थी ने आवेदन पेश किया था परन्तु इस संबंध में विपक्षी का यह कथन रहा है कि प्रार्थी ने 1-1-82 के पश्चात् 90 दिन की सेवा अवधि पूर्ण नहीं की थी इस कारण उसकी नियुक्ति नहीं की गई थी। वकील प्रार्थी का यह कथन है कि इस प्रकार कोई शर्त नहीं लगाई जा सकती परन्तु विपक्षी की ओर से इस संबंध में विभिन्न परिपत्र पेश किये हैं जिनके द्वारा 1976 और 1984 तक जिन व्यक्तियों ने सेवा की है उन्हें पुनः नियुक्ति का अवसर प्रदान किया गया है और इस आधार पर विपक्षी का यह कथन है कि उनके यहां सामान्य प्रक्रिया है कि एक अवधि तक जिन्होंने काम कर लिया है उन्हें पुनः नियोजन का अवसर दिया जाता है और यह बैंक की लगातार प्रक्रिया रही है। ऐसी स्थिति में तत्समय 1982 तक के व्यक्तियों को अवसर दिया गया था तो इसमें कोई त्रुटि नहीं है। साथ ही या सारी स्थितियां प्रार्थी को कोई लाभ नहीं पहुंचाती क्योंकि स्वयं प्रार्थी ने जो अनुतोष चाहा है उससे ही यह स्थिति स्पष्ट है कि वह अब आयु सीमा

समाप्त हो जाने के कारण सेवा में भर्ती किये जाने योग्य नहीं रह गया है, उसने अपने मांग-पत्र के अनुतोष में इस प्रकार की प्रार्थना की है कि उसे आयु सीमा में छूट प्रदान कर सेवा नियोजित किया जावे। औद्योगिक विवाद अधिनियम के प्रावधान आयु सीमा में छूट प्रदान करने की अनुमति नहीं देते। ऐसी स्थिति में धारा 25-एच के प्रावधान प्रार्थी को कोई लाभ नहीं पहुंचाते क्योंकि आयु सीमा समाप्त हो जाने के कारण नियोजित होने का अधिकारी नहीं था।

प्रार्थी की ओर से एफ. एल. आर. 1997(76)393 ओरियन्टल बैंक ऑफ कोमर्स बनाम भारत संघ, आर. एल. आर. 1991(2)158 ओरियन्टल बैंक ऑफ कोमर्स बनाम केन्द्रीय प्रशासनिक अधिकरण के विनिश्चय पेश किये जिनमें कहा गया है कि धारा 25-जी व 25-एच के प्रावधान ऐसे श्रमिक की छंटनी पर भी लागू होंगे जिन्होंने 240 दिन की सेवा अवधि पूर्ण नहीं की, इसमें प्रतिपादित सिद्धांतों में कोई विवाद नहीं है। परन्तु प्रस्तुत प्रकरण में प्रार्थी अधिक आयु का हो जाने के कारण सेवा में नियोजित करने का अधिकारी नहीं है और ऐसी स्थिति में उसके आवेदन पर विचार किया है या नहीं, उसे न्यायालय में पेश किया है या नहीं अथवा आवेदन खारिज कर दिया है, तीनों ही स्थितियों में प्रार्थी को कोई लाभ नहीं पहुंचता और उपरोक्त विवेचन के आधार पर प्रार्थी कोई अनुतोष पाने का अधिकारी नहीं है।

अधिनिर्णय

अतः यह अधिनिर्णित किया जाता है कि विपक्षी नियोजक स्टेट बैंक ऑफ बीकानेर एण्ड जयपुर, जोधपुर द्वारा प्रार्थी रामेश्वरम बिस्सा पुत्र श्री बिरदराज बिस्वा की सेवा समाप्ति पूर्णतया उचित एवं वैध है। प्रार्थी कोई अनुतोष विपक्षी नियोजक से प्राप्त करने का अधिकारी नहीं है।

इस अधिनिर्णय को प्रकाशनार्थ केन्द्रीय शासन को प्रेषित किया जावे।

यह अधिनिर्णय आज दिनांक 02-11-2002 को खुले न्यायालय में हस्ताक्षर कर सुनाया गया।

निशा गुप्ता, न्यायाधीश

नई दिल्ली, 30 दिसम्बर, 2002

का. आ. 328.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार सेंट्रल रेलवे के प्रबंधतंत्र के सम्बद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण नं.-2, मुम्बई के पंचाट (संदर्भ संख्या सी.जी.आई.टी. 2/12ऑफ 2000) को प्रकाशित करती है, जो केन्द्रीय सरकार को 27-12-02 को प्राप्त हुआ था।

[सं. एल-41012/183/99-आई.आर.(बी-1)]

अजय कुमार, डेस्क अधिकारी

New Delhi, the 30th December, 2002

S.O. 328.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. CGIT2/12

of 2000) of the Central Government Industrial Tribunal/ No. 2, Mumbai now as shown in the annexure in the Industrial Dispute between the employers in relation to the Management of Central Railway and their workman, which was received by the Central Government on 27-12-02.

[No. L-41012/183/99-IR(B-I)]

AJAY KUMAR, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL, NO. 2, MUMBAI

PRESENT

S.N. SAUNDANKAR, Presiding Officer

REFERENCE CGIT/12 OF 2000

EMPLOYERS IN RELATION TO THE
MANAGEMENT OF CENTRAL RAILWAY

The Chief Workshop Manager,
Central Railway,
Matunga Workshop,
Matunga, Mumbai 400 019.

AND

THEIR WORKMEN

Mr. Ashok Ramchandra Lokande,
Igatpuri Post,
Tahuka Igatpuri,
Railway Quarter,
Room No. 5, Chawl No. 8,
Nasik Dist.

APPEARANCES :

FOR THE EMPLOYER : Ms. Delilah Fernandes,
Advocate holding for Mr.
Suresh Kumar

FOR THE WORKMEN : Mr. Jaiprakash Sawant Advocate
Mumbai Dated 25th November, 2002

AWARD PART-I

The Govt. of India Ministry of Labour by its Order No. L-41012/183/99-IR (B-I) dated 20-1-2000 in exercise of powers conferred by clause (d) of sub section (1) and sub-section 2 (A) of Section 10 of the Industrial Disputes Act 1947 have referred the following industrial dispute to this Tribunal for adjudication :

"Whether the action of the management of Central Railway, Matunga Workshop Mumbai in removing the services of the workman Shri Ashok Ramchandra Lokande w.e.f. 16-9-1993 is justified or not ? If not, what relief the workman Shri A.R. Lokande is entitled to ?"

2. Workman Lokande was engaged in 1975 as Yard Porter in the Railway Department workshop at Matunga Mumbai. He was transferred to TWS shop Kurla Mumbai. By Claim Statement Exhibit-8 workman averred that he was

absent from duty from 13-9-1990 due to illness of his wife and that his daughter was missing. He pleaded that in the year 1992 he was admitted in the Railway Hospital and that due to reasons beyond his control as above, he could not attend the work. Workman averred that he had gone to the management to resume duty, however he was not allowed, due to his absence. It is contended that he was a permanent workman of Railway Department however, he has been removed from service without holding enquiry. It is contended the so-called enquiry of the charge sheet conducted against him was in his absence and without informing the proceedings. Workman had preferred appeal against the order dated 16-9-93 but in vain. It is contended enquiry held against the workman was against the principles of natural justice and that punishment imposed upon him is harsh and disproportionate. Consequently action being improper be set aside.

3. Management Central Railway resisted the claim of workman by filing written statement (Ex-12) contending that Railway is not an 'Industry' and that Lokande is not 'workman' under provision of Industrial Disputes Act therefore, Tribunal has no jurisdiction to entertain and decide the reference. It is pleaded Railway service is not for any profit motive and such a service shall fall in Union list and that functions perform by Railway are statutory in nature therefore, it is not an industry. It is contended Lokande is a civil servant therefore he is not a workman under Industrial Disputes Act. It is averred enquiry was conducted under the provisions of Railway Servant Disciplinary Appeal Rules 1968 and that Lokande is protected under Article 311 of the Constitution of India. It is contended for all these reasons the reference is not maintainable. It is pleaded by the management that workman remained absent from duty from 13-9-90 onwards therefore charge sheet dated 9-8-91 was issued under Rule No. 9 of Railway Servant D & A Rules 1968. Management averred that since workman remained absent for 515 days from 13-9-90—2-9-92 notice was served on him on 27-6-92. It is contended management appointed Inquiry Officer for the enquiry on the absence of workman however workman did not participate and that Inquiry Officer by his report found the workman guilty for unauthorised absence and based on that report, the workman was removed from the service by the order dated 16-9-93. It is contended copy of the report and the removal order were sent on the address of the workman but did not reply. It is contended workman intentionally avoided to participate in the enquiry which was conducted as per the principles of natural justice and that findings are not perverse. It is contended workman had preferred appeal dated 27-7-94 but was turned down. It is contended enquiry being proper workman's claim be dismissed.

4. By Rejoinder (Ex-13) workman reiterated the recitals in the claim statement denying the averments made in the written statement.

5. On the basis of pleadings issues were framed at Ex-15. In the context of preliminary issues workman filed affidavit in lieu of Examination-in-Chief (Ex-18) and closed evidence vide purshis (Ex-25). Inquiry Officer Mrs. Shirodkar in rebuttal, filed affidavit in lieu of Examination-in-Chief (Ex-27) and management closed evidence vide purshis (Ex-28).

6. Workman filed written submissions (Ex-29) and the management (Ex-30). On perusing the record, written submissions and hearing the counsel, I record my findings on the following preliminary issues for the reasons stated below :

Issues	Findings
1. Whether the reference is maintainable ?	Yes.
2. Whether the management of Central Railway is an industry as defined under section 2(j) of the Industrial Disputes Act ?	Yes.
3. Whether Shri Ashok Ramchandra Lokande is a workman as defined under section 2 (s) of the Industrial Disputes Act ?	Yes.
4. Whether the domestic inquiry conducted against Shri A.R. Lokande was as per the principles of natural justice ?	No.
5. Whether the findings of the Inquiry Officer are perverse ?	Yes.

REASONS

7. At the outset Ms. Fernandes holding for counsel for Railway Mr. Suresh Kumar submits that Lokande was a civil servant. A Yard Porter in the Railways Department whose services are governed under Articles 309 of the Constitution of India is not a 'workman' under Section 2 (s) of the Industrial Disputes Act and that Railway Service is a welfare measure and not for profit motive therefore, it is not an 'industry' under section 2 (j) of the Act and consequently reference is not maintainable. On the other hand the learned counsel Mr. Sawant urged with force that in catena of judgements it is clear that Railway is an industry and its workers are 'workmen'. Their Lordships of Supreme Court in *L. Robert D' Souza Vs Executive Engineer Southern Railway and Anr.* 1982 1 LLJ pg. 330 (SC) para 25 clearly pointed out that "Railway is an industry". The same view has been taken by the Bombay High Court in Writ Petition No. 1751 of 1999 dated 11-10-2001 while deciding the applications filed against Railway Department under Section 33 C (2) of the Industrial Disputes Act, holding that the Labour Court has jurisdiction to decide such application as Section 15 of the Administrative Tribunals Act oust the jurisdiction of the Civil Court and confer the same on the Tribunal. In *C. Rly CST Mumbai Vs Rajan*

Kumar Mohalik 2000 III CLR pg. 117, para 4 His Lordship of the Bombay High Court clearly observed the maintainability of the reference of the workman against the Railway. It is therefore, apparent that Lokande is a workman under Section 2(s) of the Industrial Disputes Act and Railway is an industry under Section 2 (j) of the Act. Consequently reference is maintainable. Issue nos. 1,2,3, are therefore answered accordingly.

8. According to workman enquiry conducted against him was against the principles of natural justice and the findings recorded by Inquiry Officer are perverse. Inquiry Officer Mrs. Shirodkar denied the same stating that inspite giving sufficient time workman did not participate in the enquiry and therefore it was held *ex parte*.

9. So far domestic inquiry is concerned, their Lordships of the Apex Court in *Sur Enamel & Stamping Works Vs Their workmen 1963 II LLJ SCC pg. 367*, ruled that the enquiry cannot be said to have been properly held unless :

- (1) the employee proceeded against has been informed clearly of the charges levelled against him,
- (2) the witnesses are examined-ordinarily in the presence of the employee in respect of the charges,
- (3) the employee is given a fair opportunity to cross-examine witnesses,
- (4) he is given a fair opportunity to examine witnesses including himself in his defence if he so wishes on any relevant matter, and
- (5) the enquiry officer records his findings with reasons for the same in his report.

10. Workman filed enquiry proceedings with list Ex-16. Chargesheet dated 9-8-91 of which enquiry was held by the management mentions workman was absent from duty from 13-9-90. Report of the Inquiry Officer dated Nil page 54 (Ex-16) shows vide enquiry of chargesheet dated 9-8-91 workman was found absent from 13-9-90—2-9-92 and that order of removal dated 16-9-93 is also in connection with the chargesheet dated 9-8-91. When enquiry was of the chargesheet dated 9-8-91 without framing charge for the further absence and bringing the same to the notice of the workman no enquiry of his further absence can be held consequently giving findings on further absence after 9-8-91 does not arise, therefore, enquiry vitiates.

11. It is significant to note that management in written statement para 6 (d) admitted that workman was provisionally allowed to resume duty on the basis of medical certificate dated 2-9-92 issued by Medical Superintendent, Igatpuri covering the period 26-8-92—2-9-92. Inquiry report page 54 (Ex-16) dated Nil concern with the absence from 13-9-90—2-9-92 i.e. including the

period of absence which was regularised that order of removal of disciplinary authority page 46 (Ex-16) is based on this report, which indicates without giving chargesheet and hearing the workman, enquiry was held which was obviously contrary to the principles of natural justice.

12. The question whether the principles of natural justice have been violated or not is to be found out on consideration as to whether the procedure adopted by the appropriate authority is in accordance with the law or not and further whether the delinquent knew what charges he was going to face. In short, what is required to be seen whether the workman knew the nature of accusation, whether he has been given an opportunity to state his case, whether the authority has acted in good faith. In the case in hand nothing to that effect. The Learned Counsel for the Central Railway submitted that rules of natural justice are not embodied rules. Principles of natural justice are but the means to achieve the ends of justice. They cannot be perverted to achieve the very opposite ends. She submits that workman admits he was called for enquiry is sufficient to show he was aware on the enquiry and therefore duty cast on him to participate in it but he chosen to remain absent, thereby showed total disregard to enquiry, cannot be favoured object of the principles of natural justice which are now understood as synonymous with the obligation to provide a fair hearing is to ensure that justice is done, that there is no failure of justice and that every person whose rights are going to be affected by the proposed action gets a fair hearing. On going through the enquiry proceedings as a whole, it is seen there was no fair hearing. Consequently enquiry can be said to be defective, for which reliance can be had to State Bank of Patiala 1's S.K. Sharma reported in 1996 II CLR pg. 29.

13. It is therefore clear that enquiry against workman vitiates. So far the findings of the Inquiry Officer are concerned, since the enquiry vitiates there is no need to record any finding regarding perversity as held in CST Mumbai 1's Rajankumar Mohalik 2000 II CLR page 117. Assuming for a moment point on perversity remains, going through the enquiry proceedings, report does not find place on any documents, evidence and reasoning in the absence of which, it is apparent findings being not based on evidence and documents are obviously perverse. In view of the position enquiry was unfair and the findings perverse, consequently issues nos. 4 & 5 answered accordingly and hence the order :

ORDER

Domestic enquiry conducted against the workman Mr. Lokande was not as per the principles of natural justice and that findings of Inquiry Officer are perverse. Management Central Railway is directed to lead evidence to justify its action.

S.N. SAUNDANKAR, Presiding Officer

नई दिल्ली, 30 दिसम्बर, 2002

क्र. आ. 329.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार, डेवलपमेंट क्रेडिट बैंक लि. के प्रबंधन के सम्बद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण नं.-2, मुम्बई के पंचाट (संदर्भ संख्या सी.जी.आई.टी. 2/173 ऑफ 1999) को प्रकाशित करती है, जो केन्द्रीय सरकार को 27-12-2002 को प्राप्त हुआ था।

[सं. एल-12012/220/99-आई.आर.(बी-1)]

अजय कुमार, डेस्क अधिकारी

New Delhi, the 30th December, 2002

S.O. 329.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. CGIT-2/173 of 1999) of the Central Government Industrial Tribunal No. 2, Mumbai now as shown in the annexure in the Industrial Dispute between the employers in relation to the Management of Development Credit Bank Ltd. and their workman, which was received by the Central Government on 27-12-02.

[No. L-12012/220/99-IR(B-D)]

AJAY KUMAR, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL, NO. 2, MUMBAI

PRESENT:

S.N. SAUNDANKAR
Presiding Officer

REFERENCE CGIT-2/173 OF 1999

EMPLOYERS IN RELATION TO THE MANAGEMENT
OF DEVELOPMENT CREDIT BANK LTD., MUMBAI

The Managing Director,
Development Credit Bank Ltd.
Central Administrative Office,
204, Raheja Centre,
Nariman Point,
Mumbai 400 021.

AND

THEIR WORKMEN

Mr. Ramesh Ratnakar Kaple,
Asha Niketan Room No. 6,
Manmahal Tank Road Mahim,
Mumbai 400 016.

APPEARANCES:

FOR THE EMPLOYER: Ms. R.N. Shah, Advocate

FOR THE WORKMEN: Mr. Jaiprakash Sawant,
Advocate

Mumbai Dated 3rd December 2002

AWARD PART-I

The Government of India Ministry of Labour by its Order No. L-12012/220/99-IR (B-I) dated 24-8-99 have referred the following dispute for adjudication to this Tribunal in exercise of powers conferred on its by Clause (d) of Sub-section (1) and Sub-section (2A) of Section 10 of the Industrial Disputes Act, 1947 :

"Whether the action of the management of Development Credit Bank Limited, Mumbai in dismissing the services of Mr. Ramesh R. Kaple, Ex-Head Cashier w.e.f. 14-1-97 is legal and justified? If not what relief the workman concerned is entitled to?"

2. Workman Kaple was in the employment of Management Bank as Head Cashier in Mohammad Ali Road Branch in the year 1994. By Claim Statement (Ex-6) workman averred that he was issued chargesheet by the Bank dated 27-7-94 by the person who had no authority to do so and that enquiry was conducted on the basis of the said chargesheet without following the principles of natural justice. It is pleaded workman was appointed by the Development Co-op. Bank Ltd. and that action was taken against him by the Officer of Development Credit Bank who was not competent to institute disciplinary action and to impose penalty of dismissal upon him. According to workman he was not paid the amount of wages or subsistence allowance as per rules nor he was allowed to be represented by a lawyer to present his case before the Inquiry Officer as the Inquiry Officer and the Presenting Officer were legally trained persons and the charges were of grave nature and complicated, which caused great prejudice to him. It is averred that workman was sick and unable to attend the proceedings however he was not given opportunity and that Inquiry Officer completed the enquiry with haste. It is contended that management without following service regulation taken disciplinary action against him. It is pleaded findings recorded by Inquiry Officer and report dated 7-8-96/24-10-96 are perverse and based on these reports management dismissed him w.e.f. 14-1-97, illegally. It is contended enquiry being improper and the findings perverse he be reinstated in service of Bank.

3. Management Bank resisted the claim of workman by filing written statement (Ex-7) contending that workman who joined as a Peon and promoted as Clerk in the year 1994 while working as Head Cashier in Mohammad Ali Road Branch, dishonestly defaulting Bank's money caused damage to the property of Bank which is an act subversive of discipline. It is pleaded that workman was on leave from 30-6-94 and resumed on 9-7-94. On 8-7-94 the Bank officials found the cash Rs. 10,000 short and when counted on next day 9-7-94 it was tallying and pleaded that on 14-7-94 customer of the Bank namely Mr. Swaminarayan informed the Bank in writing that on 9-7-94 workman borrowed amount Rs. 7500 from him with a promise to return the

same but he did not return, which shows he had taken the amount from Swaminarayan to make good the shortage on 9-7-94, directly points out that he had defrauded the Bank's amount during 30-6-94—8-7-94 for which he was suspended on 14-7-94 and the chargesheet was issued on the said allegations on 27-7-94. It is averred, workman on flimsy grounds that he needs Marathi version copies and that he is not concerned with Development Credit Bank, chosen to remain absent though sufficient time given by Inquiry Officer. Management contended that workman was paid subsistence allowance as per the Industrial Employment (Standing Orders) Central Rules. It is contended giving opportunity, Inquiry Officer by the report dated 7-8-96—24-10-96 held the workman guilty and that the disciplinary authority by letter dated 14-1-97 based on the report, dismissed the workman and that appeal preferred by the workman was turned down. It is contended the enquiry being fair and proper, findings being recorded on the basis of documents and evidence are not perverse. Consequently Bank contended to dismiss the reference with costs.

4. By rejoinder (Ex-8) workman reiterated the recitals in the claim statement denying the averments made in the written statement.

5. On the basis of the pleadings my Learned Predecessor framed issues Exhibit-15 and in the context of preliminary issues, workman filed affidavit in lieu of Examination-in-Chief (Ex-18) and closed evidence vide purshis (Ex-23) in rebuttal, management filed affidavit of Inquiry Officer Mr. Patwardhan (Ex-24) and closed evidence vide purshis (Ex-25).

6. Workman filed written submissions (Ex-26) and the management (Ex-28). On perusing the record, the written submissions and hearing the counsels for both the parties, I record my findings on the following preliminary issues for the reasons stated below :

ISSUES	FINDINGS
1. Whether the domestic enquiry which was conducted against the workman was against the principles of natural Justice?	Inquiry was as per the principles of natural justice.
2. Whether the findings of the Inquiry Officer are perverse and not based on the evidence before him?	Findings are not perverse.

REASONS

7. At the outset it is to be noted that at this stage we have to consider whether the domestic enquiry conducted against the workman was as per the principles of natural justice and fair play and not necessary whether the action on merits is justified or not. So far domestic enquiry is concerned Their Lordships of the Apex Court in *Sur Enamel and Stamping Works V/s. Their workmen*

1963 II LLJ SCC page 367 ruled that enquiry cannot be said to have been properly held unless :

- (1) the employee proceeded against has been informed clearly of the charges levelled against him.
- (2) the witnesses are examined-ordinarily in the presence of the employee in respect of the charges.
- (3) the employee is given a fair opportunity to cross examine witnesses.
- (4) he is given a fair opportunity to examine witnesses including himself in his defence if he so wishes on any relevant matter, and
- (5) the Inquiry Officer records his findings with reasons therefor the same in his report.

8. According to workman enquiry was not fair as the chargesheet and the disciplinary action was not instituted by the competent authority as he was appointed by the Development Co-operative Bank Ltd. and the inquiry was instituted by officer of Development Credit Bank. Workman admits in his cross-examination para 8 that Development Co-operative Bank is converted as Development Credit Bank Ltd. and that employees of the Co-operative Bank continue to be employees of Development Credit Bank after conversion. He admits that he had raised dispute before Assistant Labour Commissioner (Central) vide representation dated 3-8-98 (Ex-20) against the Development Credit Bank. This clearly goes to show that workman was aware at the time of enquiry that he was employee of the Development Credit Bank due to conversion. He is silent on the contention raised above by say dated 4-9-94 page 109 (Ex-9). So far his statement by way of affidavit that chargesheet was not issued by the competent authority is concerned, he had to admit in cross-examination para 10 that disciplinary authority had issued him chargesheet. The disciplinary authority being appointing and dismissing authority can obviously issue chargesheet and initiate departmental enquiry therefore, there is no substance in the said contention of the workman.

9. The second ground taken by workman about improper enquiry that he was not given subsistence allowance during the period of disciplinary proceedings and that caused prejudice to him. In cross examination para 10 he categorically admitted that he was getting subsistence allowance as per the provisions of Industrial Employment Standing Orders. In view of this, hardly can be said that enquiry vitiates on this ground.

10. The third contention taken by the workman is that he was not allowed to represent by a lawyer to present his case before the Inquiry Officer and added that the Inquiry Officer and the Presenting Officer were legally trained persons and that charges were of grave nature

and complicated. In the Model Standing Orders there is no provision that a workman can claim as a matter of right representation by an Advocate in an enquiry. So far charges are concerned, on perusal of enquiry proceedings filed with list Ex-9 clearly depict on defaultation of Bank money, the charge is very simple and clear. Workman was admittedly working as a cashier that means he was well conversant with the cash dealing and record of the charge concerned, therefore it is apparent that charge was not complicated though of serious nature. It is in the evidence that workman was permitted to defend him by his colleague working in his department or an office bearer of union of which he is a member as seen from letter page 113 and the reply given by workman page 114 (Ex-9). It is not that he was prevented from engaging his colleague. According to workman as averred in the claim statement and statement on oath by way of affidavit (Ex-18), Inquiry Officer and the Presenting Officer were legally trained persons however, they were admittedly not advocate. Considering the charges and that workman was a Cashier, it is difficult to say that his position was embarrassing and was unable to face the charges therefore, I find no substance that not allowing to be represented by a lawyer, prejudice had caused to him.

11. Workman has pointed out that he was sick and was unable to attend the proceedings. He has sought time but not given opportunity and that Inquiry Officer completed the enquiry with haste and thereby prejudice occasioned. Inquiry Officer Mr. Patvardhan denied the same stating that sufficient opportunity was given to workman. He disclosed that workman on one or the other ground avoided to participate in the enquiry. He disclosed enquiry was fixed on 27-3-95, 9-8-95, 25-9-95, 8-12-95, 11-4-96, however he remained absent and that on 2-5-96 enquiry was held *ex parte*. On perusing the enquiry proceedings it is seen workman sought adjournments on the ground that he requires Marathi version proceedings, which was complied, thereafter workman contended that he was employee of Development Co-operative Bank and had nothing to do with the Development Credit Bank however knowing fully well that he is employee of the Development Credit Bank after the conversion, to avoid to participate in the enquiry he had taken that grounds. Workman admits he had appeared in the enquiry on 9-4-96 however later on he disappeared and did not reappear which shows it is the workman who avoided the enquiry. It is seen from the record on 2-5-96, 5-6-96 evidence of management witness was recorded by the Inquiry Officer and that report was prepared on 7-8-96 and sent to the disciplinary authority alongwith letter dated 24-10-96. It is seen, enquiry was conducted during 27-5-95—10-6-96 which is clearly indicative that it was not done in haste and it is seen considering the grounds of illness of workman and other difficulties, dates were given by Inquiry Officer which he admits in cross-examination para 9

however workman played delaying tactics. Therefore, there is no substance in the above said contention of workman. On perusal of record as a whole, it is clear that the workman was knowing the charges levelled against him, despite giving opportunity he intentionally did not participate in the enquiry which is compliance of the tests laid down in the decision referred to supra.

12. The Learned Counsel for workman **Shri Sawant** submits that the enquiry was against the principles of natural justice in as much as the enquiry was 'ex parte'. Rules of natural justice are not embodied rules. The question in the given case whether the principles of natural justice have been violated or not is to be found out on consideration whether the procedure adopted by the appropriate authority is in accordance with law or not and further whether the delinquent knew what charges he was going to face. In short, what is required to be seen whether he has been given an opportunity to state his case and whether the authority has acted in good faith. On perusing the enquiry proceedings which shows despite given sufficient time workman chosen to be away from enquiry is not the fault of employer. Otherwise also to my view principles of natural justice have not been contravened in the light of the decision in *State Bank of Patiala and others V/s S. K. Sharma* 1996 II CLR pg. 29.

13. So far the findings according to workman are perverse. 'Perversity' is that when the findings are such, which no reasonable person would have arrived at on the basis of the material before him. Infact, workman in his cross-examination para 11 categorically admitted that enquiry was conducted as per the provisions of Standing Orders and that Inquiry Officer on perusing the record prepared report. If that is so, hardly can be said the findings are perverse. From the proceedings it is apparent that the Inquiry Officer had looked the complaint of Swaminarayan dated 14-7-94 page 85 (Ex-9), considered the evidence of the staff members namely Mr. Kamat, Mr. Lakhani, Mr. Joshi and having gone through relevant documents, recorded the findings with reasons. Thus the findings based on documents and evidence therefore the findings are not perverse. Since the enquiry was fair and proper and the findings not perverse, preliminary issues are answered accordingly and hence the order :

ORDER

The domestic enquiry conducted against the workman Mr. Ramesh R. Kaple was as per the principles of natural justice and that findings of Inquiry Officer are not perverse.

S.N. SAUNDANKAR, Presiding Officer

नई दिल्ली, 30 दिसम्बर, 2002

का. आ. 330.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार भारतीय स्टेट बैंक के प्रबंधन के सम्बद्ध नियोजकों और उनके कर्मचारों के बीच,

अनुबंध में निर्दिष्ट औद्योगिक विवाद में औद्योगिक अधिकरण, जोधपुर के पंचाट (संदर्भ संख्या आई. डी. सं. 9/96) को प्रकाशित करती है, जो केन्द्रीय सरकार को 27-12-02 को प्राप्त हुआ था।

[सं. एल-12012/219/96-आई.आर. (बी-1)]

अजय कुमार, डेस्क अधिकारी

New Delhi, the 30th December, 2002

S.O. 330.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (I.D. No. 9/96) of the Industrial Tribunal/Labour Court, Jodhpur now as shown in the annexure in the Industrial Dispute between the employers in relation to the Management of State Bank of India and their workman, which was received by the Central Government on 27-12-02.

[No. L-12012/219/96-IRB-1)]

AJAY KUMAR, Desk Officer

अनुबंध

औद्योगिक विवाद अधिकरण एवं श्रम न्यायालय,

जोधपुर।

पीठासीन अधिकारी :—श्रीमती निशा गुप्ता, आर. एच. जे. एस. औ. वि. (केन्द्रीय) सं. 9/96

श्री शेरखान पुत्र श्री छोटुखान वार्ड नं. 16 दिब्बापाड़ा, जैसलमेर।

..... प्रार्थी

बनाम

1. भारतीय स्टेट बैंक, जरिये क्षेत्रीय प्रबन्धक, क्षेत्रीय कार्यालय पृथ्वीराज रोड, जयपुर
2. शाखा प्रबन्धक, भारतीय स्टेट बैंक, मुख्य शाखा, जैसलमेर।

..... अप्रार्थीगण

उपस्थिति :—

- (1) प्रार्थी की ओर से श्री विनोद पुरोहित प्रतिनिधि
- (2) अप्रार्थी की ओर से श्री मनोज भण्डारी प्रतिनिधि

अधिनिर्णय

दिनांक 15-11-2002

भारत सरकार के श्रम मंत्रालय नई दिल्ली ने अपनी अधिसूचना क्रमांक एल. 12012/219/96/आई. आर. (बी. 1) दिनांक 22-11-96 से निम्न विवाद वास्ते अधिनिर्णय इस न्यायालय को प्रेषित किया है :—

"Whether the action of the management of State Bank of India, in terminating the services of Shri Sher Khan S/o Shri Chhotu Khan is legal and justified. If not, to what relief the concerned workman is entitled?"

प्राथी ने अपना मांग-पत्र प्रस्तुत करते हुए अभिकथित किया है कि अप्राथी सं. 2 द्वारा प्राथी को सर्वप्रथम दैनिक वेतन भोगी कर्मचारी के रूप में दिनांक 23-11-86 को नियुक्ति प्रदान की गई, प्राथी आठवीं कक्षा उत्तीर्ण है, अप्राथी सं. 2 द्वारा प्राथी से सन्देश वाहक के पद का कार्य करवाया गया, पूर्व में प्राथी को 250 रुपये मासिक वेतन का भुगतान किया जाता था बाद में 350 रुपये किया गया, प्राथी से बैंक में कैश सिलाई करना, लेजर बुक्स अन्दर लाना, जमाना, पानी भरना, तार करवाना आदि कार्य भी करवाया जाता था, प्राथी ने अप्राथीगण को कई बार उसकी लम्बी सेवा अवधि पूर्ण हो चुने के आधार पर नियमित एवं स्थाई करने के बारे में न्यायोचित मांग की लेकिन अप्राथी ने कोई कार्यवाही नहीं की, अप्राथी सं. 2 द्वारा प्राथी को माह सितम्बर 1991 का वेतन भुगतान करने के पश्चात् अक्टूबर माह से जुबानी तौर पर सेवा से पृथक् कर दिया तथा माह अक्टूबर 1991 में ही किसी अन्य व्यक्ति को प्राथी के स्थान पर दैनिक वेतन के आधार पर रखा। प्राथी का कथन है कि उसके द्वारा पांच वर्ष के लगभग लम्बी सेवा अवधि पूर्ण करने के उपरान्त भी उसे अप्राथी ने मनमाने तौर पर बिना कोई कारण बताए बिना कोई पूर्व नोटिस या नोटिस अवधि का वेतन दिये, बिना कोई छटनी मुआवजा दिये ही सेवामुक्त कर दिया जो पूर्णतया नियम विरुद्ध है। प्राथी ने अप्राथी सं. 2 के अधीन 240 दिवस से अधिक समयावधि तक एक ही वर्ष में सन्देशवाहक के रूप में कार्य कर लिया था अतः अप्राथीगण द्वारा प्राथी को धारा 25-एफ का उल्लंघन कर जुबानी तौर पर सेवामुक्त नहीं किया जा सकता था। अन्त में मांग-पत्र के माध्यम से निवेदन किया है कि अप्राथी सं. 2 द्वारा प्राथी को माह अक्टूबर 91 से जुबानी छटनी का आदेश अनुचित एवं अवैध घोषित किया जावे तथा प्राथी को माह अक्टूबर 1991 के प्रभाव से पुनः सेवा में लेकर सभी अनुगामी लाभ प्रदान कराये जावें, अप्राथीगण को निर्देश दिया जावे कि वह प्राथी को सन्देश वाहक के पद पर 23-11-86 के प्रभाव से नियमित कर सभी अनुगामी लाभ प्रदान करें।

अप्राथी की ओर से मांग-पत्र का जवाब, प्रस्तुत करते हुए कहा गया है कि प्राथी को अप्राथी सं. 2 द्वारा दिनांक 23-11-86 को दैनिक वेतन भोगी कर्मचारी के पद पर नियुक्ति प्रदान नहीं की गई, यह भी कहा गया है कि चतुर्थ श्रेणी कर्मचारियों को नियुक्त करने का अधिकार सिर्फ महायक महाप्रबन्धक को ही है न कि शाखा प्रबन्धक को। अतः अप्राथी सं. 2 द्वारा प्राथी को बैंक की सेवा में नियोजित करने का प्रश्न ही नहीं उठता। मही तथ्य यह है कि अप्राथी बैंक के विभिन्न शाखाओं में कार्यरत कर्मचारियों द्वारा लोकल इम्पलीमेंटेशन कमेटी का गठन किया जाता है जो कि उन कर्मचारियों को चाय, नाश्ता आदि की व्यवस्था करता है, अप्राथी के द्वारा अपने कर्मचारियों के प्रति वेलफेयर एक्टिविटी के अन्तर्गत उक्त कमेटी को कुछ धन राशि मासिक उपलब्ध करा दी जाती है ताकि उनको चाय, नाश्ता आदि कम दरों पर उपलब्ध हो सके, इस कमेटी का गठन हर शाखा में कार्यरत कर्मचारियों द्वारा अपने स्तर पर ही किया जाता है जिसमें अप्राथी बैंक के व्यवस्थापन का कोई हस्तक्षेप नहीं है तथा उक्त समिति अपना कार्यक्रम स्वयं तय करती है, कंट्रोल में किसी व्यक्ति की सेवाएं लेने अथवा न लेने का निर्णय भी समिति के द्वारा ही किया जाता है एवं इसमें बैंक प्रशासन का कोई हस्तक्षेप नहीं है, प्राथी को बैंक की सेवा में कभी नियोजित ही नहीं किया

गया तो उसे नियमित अथवा स्थाई करने का प्रश्न ही नहीं उठता। प्राथी एवं अप्राथी के मध्य कभी भी नियोजक एवं सेवक का रिश्ता नहीं रहा, अतः इस प्रकरण में धारा 25-एफ औ. वि. अधिनियम के प्रावधान लागू नहीं होते। यह कहना भी गलत है कि प्राथी ने अप्राथीगण के अधीन लगातार 240 दिन कार्य किया हो, प्राथी एक भी दिन अप्राथीगण की सेवा में नहीं रहा। अन्त में प्रार्थना की है कि प्राथी का मांग-पत्र सव्यव्य खारिज किया जावे।

प्राथी ने अपने मांग-पत्र की तीईद में स्वयं का शपथ-पत्र प्रस्तुत किया जिस पर अप्राथी प्रतिनिधि द्वारा जिरह की गई तथा अप्राथी की ओर से श्री एस.एन. कच्छवाहा का शपथ-पत्र प्रस्तुत किया गया जिस पर प्राथी प्रतिनिधि द्वारा जिरह की गई। प्राथी की ओर से दस्तावेजी साक्ष्य में डाक डायरी, अप्राथी बैंक का रिट याचिका में प्रस्तुत जवाब, रिजोइन्डर की प्रतियां प्रस्तुत की गईं जब कि अप्राथी की ओर से प्राथी के बैंक एकाउन्ट माननीय उच्च न्यायालय का आदेश दिनांक 28-11-91 व 8-4-92 की प्रतियां प्रस्तुत की गईं।

दोनों पक्षों के प्रतिनिधिगण की बहस सुनी, पत्रावली का अवलोकन किया।

प्राथी द्वारा यह कहा गया है कि उसकी प्रथम नियुक्ति 23-11-86 को सन्देशवाहक के पद पर हुई तब से वह विपक्षी के यहां काम कर रहा है, उसने कई बार प्रार्थना की कि उसे नियमित व स्थाई कर दिया जाए, उसका कार्य निरन्तर और सन्तोषजनक रहा है अतः उसे 23-11-86 से नियमित कर सभी लाभ प्रदान किये जावें।

विपक्षी द्वारा यह कहा गया है कि प्राथी ने उनके यहाँ कभी काम नहीं किया, प्राथी को उनके द्वारा नियुक्ति नहीं दी गई, विपक्ष प्राथी लोकल इम्पलीमेंटेशन कमेटी का कर्मचारी हो सकता है जिसके व्यवस्थापन से बैंक का कोई सम्बन्ध नहीं है, प्राथी और विपक्षी के बीच नियोजक और नियोक्ता का कोई रिश्ता ही कायम नहीं हुआ है ऐसी स्थिति में प्राथी कोई अनुतोप पाने का अधिकारी नहीं है।

प्राथी से जो जिरह हुई है उसमें भी प्राथी का यह कथन रहा है कि बैंक के सब कर्मचारी मिलकर स्टाफ कमेटी के माध्यम से उसे भुगतान करते हैं तो उसे पता नहीं उसका यह कथन है कि उसे हटाने का लिखित आदेश दिया गया था परन्तु ऐसा कोई आदेश न्यायालय के समक्ष पेश नहीं हुआ है यदि आदेश पेश होता तो उससे यह स्थिति स्पष्ट हो सकती थी कि प्राथी को विपक्षी ने सेवामुक्त किया। प्राथी ने अपनी प्रतिपरीक्षा में यह भी स्वीकार किया है कि एल.आई.सी. रजिस्टर में मेरे को पैमेंट का लिखा जाता था। इस प्रकार स्वयं प्राथी ने यह स्वीकार किया है कि उसे भुगतान लोकल इम्पलीमेंटेशन कमेटी द्वारा किया जाता था।

विपक्षी की ओर से श्री एस.एन. कच्छवाहा शाखा प्रबन्धक का शपथ पत्र पेश हुआ है जिससे केवल रिकॉर्ड के बारे में पूछा गया है और इनका यह स्पष्ट कथन रहा है कि प्राथी बैंक का कर्मचारी नहीं था।

प्राथी का यह कथन रहा है कि विपक्षी को रिकॉर्ड पेश करने का आदेश दिया गया था परन्तु रिकॉर्ड उनके द्वारा पेश नहीं किया गया। प्राथी की ओर से रिकार्ड तलबी का जो प्रार्थना-पत्र पेश हुआ उसमें बैंक डायरी के सम्बन्ध में विपक्षी की ओर से कहा गया है कि वह नष्ट की जा

चुकी है और इस सम्बन्ध में उनके नियम पेश किये गये जिसमें पीओन-बुक को एक वर्ष के लिए ही रखा जाता है और ऐसी स्थिति में जब पीओन-बुक नष्ट हो चुकी है और विपक्षी द्वारा उसे पेश नहीं किया गया है तो उप-धारणा विपक्षी के विरुद्ध नहीं की जा सकती। प्रार्थी का यह तर्क रहा है कि माननीय उच्च न्यायालय में विपक्षी की ओर से जो शपथ-पत्र पेश हुआ उसमें जवाब रिकार्ड के आधार पर पेश करना कहा है और तब तक रिकार्ड विपक्षी के पास मौजूद था परन्तु यह तर्क भ्रामक है, शपथ-पत्र जो उच्च न्यायालय के समक्ष पेश हुआ उनमें यह उल्लेख नहीं किया गया है कि पीओन बुक के आधार पर शपथ-पत्र दिया जा रहा है। ऐसी स्थिति में जब विपक्षी का यह कथन है कि पीओन-बुक नष्ट की जा चुकी है और संबंधित नियम भी पेश हुए हैं तो उन पर अविश्वास किये जाने का कोई कारण नहीं है। अन्य रिकार्ड विपक्षी की ओर से पेश किया गया जिसका निरीक्षण प्रार्थी ने किया है, इसका स्पष्ट उल्लेख 11-5-99 की आदेशिका में है तथा 30-10-2000 की आदेशिका में भी यह स्पष्ट किया गया है कि रिकार्ड पेश हो चुका है और इसकी आवश्यकता होगी तो बहस के दिन देख लिया जायेगा। इस प्रकार प्रार्थी का यह कहना कि विपक्षी ने रिकार्ड पेश नहीं किया अतः उनके विरुद्ध विपरीत उपधारणा की जाए, इसका कोई आधार नहीं है। इस क्रम में प्रार्थी की ओर से ए.आई.आर. 1986 एस.सी.पेज 132 एच.डी.सिंह बनाम रिजर्व बैंक, आर.एल.आर. 2000(3) पेज 447 म्युनिसिपल कॉरपोरेशन कोटा बनाम रामचन्द्र सिरंगी के विनिश्चय पेश किये परन्तु यहां रिकार्ड पेश हो चुका है ऐसी स्थिति में कोई विपरीत उपधारणा करने का आधार नहीं है।

प्रार्थी की ओर से पीओन-बुक की प्रति पेश हुई है जिसमें के.एस. थानवी द्वारा यह प्रमाणित किया गया है कि उन्हें एक पत्र प्रार्थी ने हस्ताक्षर दिया, विपक्षी भी इस दस्तावेज से इन्कार नहीं करता परन्तु विपक्षी का यह कथन है कि यदि किसी दिन कोई कागज प्रार्थी के मार्फत भेज भी दिया गया है तो इससे प्रार्थी उनका कर्मचारी नहीं हो जाता। इस प्रकार केवल मात्र पीओन-बुक के माध्यम से एक कागज यदि किसी व्यक्ति को भेज दिया गया है तो इससे प्रार्थी को विपक्षी का कर्मचारी नहीं माना जा सकता।

विपक्षी का यह स्पष्ट कथन रहा है कि प्रार्थी इम्पलीमेंटेशन क्रमेटी का कर्मचारी है और उनका प्रार्थी से कोई सम्बन्ध नहीं है। प्रार्थी की ओर से ऐसा कोई आधार पेश नहीं हुआ है जिसके अनुसार उसे विपक्षी का कर्मचारी माना जा सके।

प्रार्थी का यह कथन है कि वह विपक्षी के यहां केन्टीन में काम करता है तब भी उसे बैंक का ही कर्मचारी माना जावे व इस सम्बन्ध में एल.आई.सी. 2000 पेज 1495 इण्डियन ओवरसीज बैंक बनाम इण्डियन ओवरसीज बैंक स्टाफ केन्टीन श्रमिक यूनियन का विनिश्चय पेश हुआ है जिसमें केन्टीन में कार्यरत कर्मचारी को भी बैंक का कर्मचारी माना है परन्तु इसके विपरीत विपक्षी की ओर से स्टेट बैंक की केन्टीन से संबंधित विनिश्चय एस.सी.सी. 2000 (5) पेज 531 स्टेट बैंक ऑफ इण्डिया बनाम स्टेट बैंक ऑफ इण्डिया केन्टीन एम्प्लोईज यूनियन का विनिश्चय पेश किया है जिसमें यह स्पष्ट तौर पर माना गया है कि स्टेट बैंक ऑफ इण्डिया की केन्टीन में काम करने वाले कर्मचारी बैंक के कर्मचारी नहीं होंगे क्योंकि बैंक के लिए यह बाध्यकारी नहीं है कि वह इस तरह की

केन्टीन चलावे। इस प्रकार इस विनिश्चय से यह स्थिति स्पष्ट हो जाती है कि केन्टीन में कार्यरत व्यक्ति बैंक का कर्मचारी नहीं है। यह मामला स्टेट बैंक से ही संबंधित था ऐसी स्थिति में प्रस्तुत प्रकरण पर पूरी तरह लागू होता है।

इसी क्रम में विपक्षी की ओर से एस.सी.सी. 1996(3) पेज 267 रिजर्व बैंक ऑफ इण्डिया बनाम श्रमिक, आर.एल.आर. 1995(1) पेज 306 एच.एच.टी. लि. बनाम एच.एम.टी. लि. कर्मचारी यूनियन के विनिश्चय पेश किये जिसमें भी यह माना गया है कि इन संस्थान के केन्टीन में काम करने वाले व्यक्ति संस्थान के कर्मचारी नहीं माने जायेंगे। प्रस्तुत प्रकरण में भी स्थिति पूरी तरह इसी के समान है और ऐसी स्थिति में प्रार्थी विपक्षी बैंक का कर्मचारी नहीं था और प्रार्थी की सेवाएं विपक्षी द्वारा समाप्त भी नहीं की गई, इन सब स्थितियों को देखते हुए प्रार्थी कोई अनुतोप पाने का अधिकारी नहीं है।

अधिनिर्णय

अतः यह अधिनिर्णीत किया जाता है कि शेर खॉ पुत्र श्री छोटे खों स्टेट बैंक ऑफ इण्डिया का कर्मचारी ही नहीं था और विपक्षी बैंक द्वारा प्रार्थी की सेवाएं कभी समाप्त भी नहीं की गई ऐसी स्थिति में प्रार्थी अप्रार्थी से कोई राहत पाने का अधिकारी नहीं है।

इस अधिनिर्णय को प्रकाशनार्थ केन्द्रीय शासन को प्रेषित किया जावे।

यह अधिनिर्णय आज दिनांक 15-11-2002 को खुले न्यायालय में हस्ताक्षर कर सुनाया गया।

निशा गुप्ता, न्यायाधीश

नई दिल्ली, 30 दिसम्बर, 2002

का. आ. 331.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार भारतीय स्टेट बैंक के प्रबंधन के सम्बद्ध नियोजकों और उनके कर्मचारियों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में औद्योगिक अधिकरण, जोधपुर के पंचाट (संदर्भ संख्या आई. डी. संख्या 1/99) को प्रकाशित करती है, जो केन्द्रीय सरकार को 27-12-2002 को प्राप्त हुआ था।

[सं. एल-12012/130/98—आई. आर. (बी-1)]

अजय कुमार, डैस्क अधिकारी

New Delhi, the 30th December, 2002

S.O. 331.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (I.D. No. 01/99) of the Industrial Tribunal/Labour Court, Jodhpur now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of State Bank of India and their workman, which was received by the Central Government on 27-12-2002.

[No. L-12012/130/98-IR (B.1)]

AJAY KUMAR, Desk Officer

अनुबंध**औद्योगिक विवाद अधिकरण एवं श्रम न्यायालय****जोधपुर।**

पीठासीन अधिकारी :—श्रीमती निशा गुप्ता, आर. एच. जे. एस. औ. वि. सं. : 01/99

श्री सुनील पुत्र श्री रामेश्वरलाल प्लोट नं. 361-ए, लक्ष्मीनगर, जोधपुर।

—प्रार्थी

बनाम

स्टेट बैंक ऑफ इण्डिया,

सहायक जनरल मैनेजर, स्टेट बैंक ऑफ इण्डिया, नेहरू प्लेस, टोंक रोड, जयपुर।

—अप्रार्थी

उपस्थिति :—

- (1) प्रार्थी की ओर से श्री विजय मेहता प्रतिनिधि
- (2) अप्रार्थी की ओर से श्री जे. के. खाण्डा प्रतिनिधि

अधिनिर्णय

दिनांक 27-11-2002

भारत सरकार के श्रम मंत्रालय नई दिल्ली की अधिसूचना क्रमांक एल. 12012/130/98/आई. आर. (बी. 1) दिनांक 13-11-1988 से निम्न विवाद वास्ते अधिनिर्णय इस न्यायालय को प्रेषित किया है :—

“Whether the action of the management of State Bank of India, Jaipur in terminating the service of Shri Sunil S/o Shri Rameshwar Lal is legal & justified. If not to what relief the workman is entitled and from which date?”

प्रार्थी ने अपना मांग-पत्र प्रस्तुत करते हुए अधिकृत किया है कि प्रार्थी स्टेट बैंक ऑफ इण्डिया, राईकाबाग शाखा में अस्थाई मैसंजर के रूप में दिनांक 1-7-92 को नियुक्त किया गया जहां प्रार्थी ने 31-5-96 तक निरन्तर कार्य किया, 31-5-96 को अप्रार्थी बैंक के राईकाबाग शाखा के मैनेजर ने मौखिक आदेश से प्रार्थी को दिनांक 1-6-96 से सेवापृथक् कर दिया, सेवा समाप्ति से पूर्व के एक वर्ष में प्रार्थी ने प्रत्येक कलैण्डर वर्ष में 240 दिन से अधिक दिनों तक कार्य कर लिया था परन्तु सेवापृथक्ता के पूर्व प्रार्थी को न तो एक माह का नोटिस दिया गया न ही नोटिस की एवज में नोटिस वेतन दिया गया, न ही छंटनी मुआवजा दिया गया, वरीयता सूची भी नियमानुसार प्रकाशित नहीं की गई, प्रार्थी कृनिष्ठतम श्रमिक नहीं था, प्रार्थी को सेवापृथक् करने के पश्चात् उसके स्थान पर श्री रामनिवास व श्री खानसिंह को सेवा में नियोजित किया गया लेकिन प्रार्थी को ओफर नहीं दी गई। इस प्रकार प्रार्थी की सेवापृथक्ता धारा 25-एफ, 25-जी व 25-एच तथा नियम-77 के प्रतिकूल होने के कारण ऐज ऐबीनेश्यो वॉर्डड व निष्प्रभावी है तथा प्रार्थी सेवा की निरन्तरता में वेतन सहित पुनर्स्थापित होने का अधिकारी है। प्रार्थी की सेवाएं संतोषप्रद होने के कारण शाखा मैनेजर ने दिनांक 8-11-94 के पत्र के द्वारा आंचलिक कार्यालय से प्रार्थी के वेतन को 200 रुपये प्रतिमाह बढ़ाकर 400/- रुपये करने का निवेदन किया जिसपर

दिनांक 1-2-95 के आदेश के द्वारा प्रार्थी का वेतन 300/- रुपये कर दिया गया। प्रार्थी द्वारा उठाये गये विवाद में अप्रार्थीगण ने यह जाहिर किया कि प्रार्थी बैंक की सेवा में नहीं था बल्कि वह लोकल इम्पलीमेंटेशन कमेटी की सेवा में टी बॉय के पद पर कार्यरत था वास्तव में अप्रार्थीगण का यह कथन असत्य है, प्रार्थी अप्रार्थीगण की सेवा में ही विपक्षी बैंक की नीति के अनुसार टी-बॉय व केन्टीन स्टाफ को बैंक में नियमित सेवा में नियोजित किये जाने की नीति निर्धारित की हुई है तथा वर्ष 1992 के बाढ़ में जोधपुर में भी मुख्य शाखा कचहरी शाखा में टी मैसर्स तथा केन्टीन स्टाफ को लोकल इम्पलीमेंटेशन कमेटी में कर्मचारी बताया गया है उन्हें बैंक में नियोजित कर दिया गया है। इस दृष्टि से भी प्रार्थी की सेवा पृथक्ता गैर कानूनी है। अन्त में प्रार्थना की है कि प्रार्थी सेवा की निरन्तरता में वेतन व देय भत्तों के साथ सेवा में पुनर्स्थापित किये जाने का अधिकारी है तथा इसी आशय का एवार्ड पारित किया जावे।

अप्रार्थी की ओर से मांग-पत्र का जवाब प्रस्तुत करते हुए कहा गया है कि प्रार्थी को न तो दिनांक 1-7-92 को तथा न ही अन्य किसी तारीख को अप्रार्थी बैंक द्वारा नियुक्त किया गया, चूंकि प्रार्थी को अप्रार्थी बैंक द्वारा कभी नियुक्त ही नहीं किया गया तो मैनेजर के मौखिक आदेश से प्रार्थी को सेवा से पृथक् करने का कोई प्रश्न ही नहीं है, बैंक के किसी शाखा प्रबन्धक को किसी मैसंजर को नियुक्त करने का अधिकार ही प्राप्त नहीं है, अप्रार्थी बैंक ने प्रार्थी को किसी भी पद पर कभी भी नियुक्त ही नहीं दी तो प्रार्थी द्वारा प्रत्येक कलैण्डर वर्षों में 240 दिन बैंक में कार्य करने का कोई प्रश्न ही नहीं है तथा न ही एक माह का नोटिस अथवा नोटिस की एवज में वेतन व छंटनी मुआवजा दिये जाने का प्रश्न है, रामनिवास व खानसिंह भी अप्रार्थी बैंक के यहां कभी नियुक्त नहीं हुए, प्रार्थी कभी बैंक में नियुक्त ही नहीं हुआ तो धारा 25-एफ, 25-जी व 25-एच तथा नियम-77 औ. वि. अधिनियम के प्रावधान लागू ही नहीं होते। प्रार्थी यदि लोकल इम्पलीमेंटेशन कमेटी की सेवा में केन्टीन बॉय के पद पर कार्यरत था तो उक्त कमेटी न तो अप्रार्थी बैंक के मातहत है न ही उसका बैंक से कोई लेना-देना है, प्रार्थी व अप्रार्थी के मध्य कभी भी नियोक्ता एवं नियुक्त का संबंध ही नहीं रहा, प्रार्थी अप्रार्थी के लिए एक स्ट्रेंजर व्यक्ति है। अन्त में जवाब के माध्यम से निवेदन किया है कि प्रार्थी का मांग-पत्र सव्यय खारिज किया जावे।

प्रार्थी ने अपने मांग-पत्र के समर्थन में स्वयं का शपथ-पत्र प्रस्तुत किया जिसपर अप्रार्थी प्रतिनिधि द्वारा जिरह की गई तथा अप्रार्थी की ओर से पी. सी. पारखर शाखा प्रबन्धक का शपथ-पत्र प्रस्तुत किया गया जिसपर प्रार्थी प्रतिनिधि द्वारा जिरह की गई। प्रार्थी की ओर से दस्तावेजी साक्ष्य में 31-10-92 से 1-3-96 के दैनिक मजदूरी के प्रपत्र व कन्वेन्स चार्ज के प्रपत्र पेश किये। अप्रार्थी की ओर से कोई दस्तावेजी साक्ष्य पेश नहीं हुई है।

दोनों पक्षों के प्रतिनिधिगण की बहस सुनी, पत्रावली का अवलोकन किया।

प्रार्थी द्वारा यह कहा गया है कि उसने 1-7-92 से अस्थाई मैसंजर के रूप में कार्यभार ग्रहण किया, 1-6-96 को उसे बिना आधार के सेवामुक्त कर दिया और उसके पूर्व आई. डी. एक्ट के प्रावधानों की पालना नहीं की गई अतः उसे पुनः सेवा में स्थापित किया जावे।

विपक्षी द्वारा यह कहा गया है कि उन्होंने प्रार्थी को कभी भी सेवा में नियुक्त नहीं किया वह उनके यहां कभी भी कार्यरत नहीं रहा, प्रार्थी लोकल इम्पलीमेंटेशन कमेटी में केन्टीन बॉय के पद पर कार्यरत था उनके और प्रार्थी के बीच कोई सेवा का सम्बन्ध नहीं है।

प्रार्थी की ओर से अपने कथन के समर्थन में शपथ-पत्र के साथ ही विभिन्न दस्तावेजात पेश किये गये हैं जिनके द्वारा उसे मजदूरी का भुगतान किया गया है, इन वाउचरों को देखने से यह स्थिति स्पष्ट होती है कि प्रार्थी को पानी लाने, स्टेशनरी आदि जमाने के संबंध में विभिन्न समय पर मजदूरी का भुगतान हुआ है, लेकिन इससे यही स्पष्ट होता है कि प्रार्थी ने विपक्षी के यहां कभी कोई निश्चित काम किया हो जिसकी निश्चित राशि उसे अदा की गई हो, इधर-उधर डाक ले गया उसका तांगा किराया का भुगतान भी हुआ है परन्तु प्रार्थी को विपक्षी ने अपनी सेवा में नियुक्त किया हो इस सम्बन्ध में कोई दस्तावेज प्रार्थी की ओर से पेश नहीं हुआ है।

विपक्षी का यह कथन है कि प्रार्थी लोकल इम्पलीमेंटेशन कमेटी का सदस्य है और वह केन्टीन में काम करता था। इस आधार पर प्रार्थी का यह कथन रहा है कि तब भी उसे बैंक का ही कर्मचारी माना जायेगा और अपने समर्थन में एल. आई. सी. 2000 पेज 1495 इण्डियन ओवरसीज बैंक बनाम इण्डियन ओवरसीज बैंक स्टाफ केन्टीन वर्कर्स यूनियन का विनिश्चय पेश किया जिसमें केन्टीन में कार्यरत कर्मचारी को भी बैंक का कर्मचारी माना गया है। परन्तु इसके विपरीत विपक्षी की ओर से ए. आई. आर. 1996 एस. सी. 1241 रिजर्व बैंक ऑफ इण्डिया बनाम श्रमिक का विनिश्चय पेश किया जिसमें कहा गया है कि केन्टीन में कार्यरत कर्मचारी बैंक के कर्मचारी नहीं माने जायेंगे और इसी क्रम में एस. एल. आर. 1988 (2) पेज 33 रामलखनसिंह बनाम श्रम न्यायालय चण्डीगढ़ का विनिश्चय पेश किया जिसमें पार्ट टाइम माली को धारा 25-एफ की सुविधा प्रदान नहीं की गई है।

इस प्रकार प्रस्तुत प्रकरण में यह विवाद है कि प्रार्थी लोकल इम्पलीमेंटेशन कमेटी के अन्तर्गत केन्टीन में काम करता था इस सम्बन्ध में स्टेट बैंक ऑफ इण्डिया का ही विनिश्चय एस. सी. सी. 2000(5) पेज 531 स्टेट बैंक ऑफ इण्डिया बनाम स्टेट बैंक ऑफ इण्डिया केन्टीन एम्प्लोईज यूनियन का विनिश्चय पूरी तरह से स्पष्ट है और इस प्रकरण पर जो कि स्टेट बैंक ऑफ इण्डिया से संबंधित है, पर लागू होता है जिसमें कहा गया है कि केन्टीन में काम करने वाला कर्मचारी बैंक का कर्मचारी नहीं माना जायेगा क्योंकि केन्टीन चलाना बैंक के लिए बाध्यकारी नहीं है। इस प्रकार प्रार्थी जो कि केन्टीन में काम कर रहा है उसे विपक्षी का कर्मचारी नहीं माना जा सकता।

प्रार्थी और विपक्षी के बीच सेवा की कोई संविदा हुई हो इस सम्बन्ध में कोई स्थिति प्रस्तुत नहीं हुई है। जो वाउचर्स पेश हुए हैं उनसे केवल यह स्पष्ट होता है कि प्रार्थी ने विपक्षी के यहां निश्चित राशि पर निश्चित कार्य किया परन्तु वह विपक्षी के यहां नियमित कर्मचारी हो ऐसी कोई स्थिति इससे साबित नहीं होती है।

इस प्रकार प्रस्तुत प्रकरण में प्रार्थी व विपक्षी के बीच श्रमिक व नियोजक का कोई सम्बन्ध ही नहीं है, अप्रार्थी द्वारा उसे कभी सेवा में नियुक्त ही नहीं किया गया और न ही सेवामुक्त किया गया ऐसी स्थिति में प्रार्थी कोई अनुतोष पाने का अधिकारी नहीं है।

अधिनिर्णय

अतः यह अधिनिर्णय किया जाता है कि श्री सुनील पुत्र श्री रामेश्वरलाल स्टेट बैंक ऑफ इण्डिया का कर्मचारी ही नहीं था और विपक्षी बैंक द्वारा प्रार्थी की सेवाएं कभी समाप्त भी नहीं की गई ऐसी स्थिति में प्रार्थी अप्रार्थी से कोई अनुतोष पाने का अधिकारी नहीं है।

इस अधिनिर्णय को प्रकाशनार्थ केन्द्रीय शासन को प्रेषित किया जावे।

यह अधिनिर्णय आज दिनांक 27-11-2002 को खुले न्यायालय में हस्ताक्षर कर सुनाया गया।

निशा गुप्ता, न्यायाधीश

नई दिल्ली, 31 दिसम्बर, 2002

का. आ. 332.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार डेवलपमेन्ट क्रेडिट बैंक लिमिटेड के प्रबंधन के सम्बद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण नं. 1, मुम्बई के पंचाट (संदर्भ संख्या सी. जी. आई. टी-49 का 1998) को प्रकाशित करती है, जो केन्द्रीय सरकार को 30-12-02 को प्राप्त हुआ था।

[सं. एल-12011/21/98-आई. आर. (बी-1)]

अजय कुमार, डेस्क अधिकारी

New Delhi, the 31st December, 2002

S.O. 332.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. CGIT-49 of 1998) of the Central Government Industrial Tribunal No. 1, Mumbai now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Development Credit Bank Ltd. and their workman, which was received by the Central Government on 30-12-02.

[No. L-12011/21/98-IR (B.1)]

AJAY KUMAR, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL, NO. 1, MUMBAI

Present

SHRI JUSTICE S.C. PANDEY,
Presiding Officer.

REFERENCE NO. CGIT-49 OF 1998

Parties :—Employers in relation to the management of Development Credit Bank Ltd.

And

Their workmen.

Appearances :—

For the management : Shri Umesh Nabar, Advocate

For the workman : Shri M. B. Anchan, Advocate

Mumbai, dated this the 20th day of December, 2002.

AWARD

1. This is a reference made by order dated 15-10-1998 by the Central Government in exercise of powers conferred by section 10(1)(d) read with Section 2A of the Industrial Disputes Act 1947. (The Act for short) in the following terms :

“Whether the action of the management dismissing the services of Shri S. D. Merchant, Shri M.G. Kanchan, Shri P.S. S. Konduniya, and Shri Shamshah Rajwani, without observing the principles of natural justice and non-payment of Overtime and others is justified or not, what relief should be granted ?”

The parties to the dispute are the Development Credit Bank (the Bank for short) and the Development co-operative Bank Employees Union through its General Secretary 74-A, H.A. Vaidya Marg, Dongri, Mumbai (the Union for short).

2. An award passed by this tribunal dated 13-11-1998 was set aside by order dated 06-7-1999 passed in Misc. Application No. 6/98. The order dated 06-7-1999 was challenged by the Bank in W.P. No. 1987 of 1999 in the High Court of Bombay. The High court dismissed the writ petition on the ground that this reference was restored not on merits but for the fact that reference was rejected *ex parte* on 13-1-1998 and the questions on merits including the *locus standi* of the respondent No. 2 in the petition to represent the union were kept open. The operative portion of the order in paragraph 10 reads as follows :

While dealing the matter with these aspects and the jurisdiction under Art. 226 of the Constitution, the scope is limited and that is to see the perversity or illegality in the impugned order. In view of what has already been stated above that the Presiding Officer had restored the second reference, keeping all the points on merits as well as the points as to the *locus-standi* of the respondent No. 2 open, nothing has been finally decided. All the questions that are to be agitated in this writ petition can also be agitated before the Tribunal. It is undisputed position that the reference came to be rejected before the date of hearing and no one was heard as to the maintainability of the second reference. Thus, restoring the second reference to the file cannot be said to be perverse or illegal.

3. At this stage, there is a dispute between two parties regarding the right to represent the union Mr. A. A. Charinia, says that he has right to represent the Union. On the other hand the right to represent is hotly disputed by Mubarak Adulia Burdenwalla who claims to be the General Secretary of the Union. The right to represent is a secondary dispute. The more important question whether this tribunal could hear the present reference in view of the

Award passed by the Presiding Officer on 11th March 2002 in Reference CGIT No. 2/79 of 1998. The operative portion of the award reads as under :

“The action of the management, Bank in dismissing the services of the workman S/Shri S. D. Merchant and M.G. Kanchan is totally justified”.

4. In the aforesaid reference CGIT-2/79 of 1998 the terms were as follows :

“Whether the action of the management dismissing the services of Shri S.D. Merchant, Shri M.G. Kanchan, S/Shri P.S. S. Konduniya and Shri Shamshah Rajwani without observing the principles of natural justice and non-payment of overtime is justified or not, what relief should be granted.

5. In view of the matter both counsel representing the Union as well as that of management were heard without deciding the question of *locus standi*. In the opinion of this tribunal by hearing the counsel for all the parties, no prejudice is caused to Union represented by Mr. A. A. Charnia.

6. The parties do not dispute and it is obvious that terms of reference before this tribunal are same except for the addition of the words “and others” after the word “over time” in the reference before this tribunal.

7. It is contended by the Counsel for the Bank and the Counsel for Shri Mubarak Abdulla Burdenwalla that the reference has already been answered by the Presiding Officer CGIT-2 on 11th March 2002. On the other hand, the counsel representing Shri A.A. Charnia argued that the addition of words “and others” makes the difference.

8. It is necessary to elaborate the argument advanced on behalf of Shri A.A. Charnia in order to decide the question which goes to the root of the matter. But before, it is done it would be proper to state the general principles of law, whereby this tribunal is given power to adjudicate upon reference. The matter has been referred under section 10(1)(d) read with Section 2A thereof. It may be readily seen that power to refer the dispute under sub section 1(d) of section 10 vests in the appropriate Government. This aspect is clear from the first part which requires the appropriate Government to form an opinion regarding the existence or an apprehension of the industrial dispute. The existence of this dispute means that it is already there as a matter of fact. A dispute is apprehended when there is possibility of its arising. If one of the two aforesaid conditions is satisfied, then the appropriate Govt. refers the dispute or any matter connected with or relevant to dispute for adjudication irrespective of the fact dispute is covered by second schedule or third schedule subject to proviso to sub section 1(d) of section 1 with which we are not concerned. It may be noted that the legislature has chosen to employ the phraseology, “refer the dispute or any matter appearing to be connected or relevant to” is

Section 10(1)(C) and 10(1)(d) of the Act. However, In Section 10(1)(A) of the instead of "any matter appearing to be connected or relevant to" has been replaced by a different phraseology appropriate to that Sub-section. However "any industrial dispute exists or is apprehended is retained". In this case the focus is on the opinion of the Central Govt. whereby it said that an industrial dispute existed or it apprehended that there is likelihood of such a dispute. It may not out of place to mention that terms of reference *prima facie* determine the facts regarding the formation of opinion. The order of the Central Government referring this dispute has to be in writing under Section 10. It cannot be disputed whenever anything is written then the writing becomes a document which has to be interpreted as such without adding or subtracting anything from it. The Courts have strictly employed this principle because it is very difficult to gather the intention of writer of document by parol evidence. However, the language employed by a maker of document may not be clear or it may be subsequently changed. Elaborate provisions have been in Section 91 to 96 of the Evidence Act indicating the extent of evidence admissible in a case a document or in varied or modified subsequently.

9. To revert to the submission made on behalf of counsel for Mr. A. S. Charnia this tribunal should consider a catena of facts to enlarge the scope of reference for interpreting the words "non payment of overtime and others" employed in this reference to include in word the word in others the charter of demands made in the strike notice dated 1-9-1995 except No. 1 and 3 consequently this Tribunal has to answer this reference. It has been argued that this tribunal is not bound by the words employed in "the order of reference" but can enlarge the scope of reference by reading in the words "and others" all facts relating to the Charter of demands. Reliance has been placed on the Decision of a Division Bench of Bombay High Court [Nagpur Bench *S.B. Hatwar Vs. Presiding Officer Labour Court* and others reported in 1992 (1)LLJ 672] and that of Supreme Court in *Delhi Cloth and General Mills Company Vs. Their workmen* 1967 (1)LLJ 423.

10. The counsel for the Bank submitted that the failure report dated 30th April 1997 addressed to Central Govt. did not refer to charter of demands. Therefore, the additions of words 'others' in no way related to those demands. It has been argued that the charter of demands were given up and their existed no dispute. This tribunal cannot read something else in the words "others" to adjudicate upon the matter which were not even subject matter of dispute. It is argued that their was settlement of dispute relating to charter of demands.

11. The facts of this case are curoiser and curosier. The most important thing that is necessary to determine whey two references were made to two different tribunals in respect of termination of services of four workmen i.e. S.D. Merchant, M.G. Kanchan, P.S.S. Kondermiya and Shri

Shamshah Rajwani. The order dated 16-6-1998 a reference was made to CGIT-II, Mumbai in identical terms. The words "others" after over time were deleted. This fact is clear from the Certified copy of the order marked as Annexure(C) in this case. After deleting these words from the order of reference made to CGIT-II, another reference was made to this Tribunal on 01-10-1980. From the aforesaid facts, it can be readily inferred that there was attempt to make two references where as one could have sufficed. However, such clumsy orders passed by the Central Govt. cannot clothe this tribunal with jurisdiction to adjudicate. The addition of words "others" does not make any sense if we delete all other words made in order of reference to this tribunal. It is not in dispute that all other words are also found in the order of reference made to CGIT-II, Mumbai.

12. In the opinion of this tribunal there is no scope for expansion of the terms of reference on the basis of the words "others". The power to expand the terms of reference may be there but it is not uncontrolled and uncanalised. The decisions relied upon by the counsel for Shri A. A. Charnia do not advance his case any further. As already indicated that there must be 'existence of the dispute or it should be apprehended or the matter must be connected or relevant the dispute. Once the dispute was already referred in man to CGIT-II, Mumbai, there was no occasion to refer to some dispute CGIT No. 1 by adding "others". The correction if any could be made in the reference to CGIT No. 2. Therefore, this tribunal is of the opinion there was no occasion to make reference this tribunal. Now that the Presiding Officer CGIT No. 2. Mumbai has already answered the reference, there is no occasion to pursue the same matter again. In fact award dated 11th March 2002 passed by Shri S. Saundankar has given the answer to the matter referred to CGIT No. 2. There is no scope for expansion. His award is *resjudicata*. This tribunal is firmly of the opinion that order dated 15-10-1998 could not clothe this tribunal with powers of adjudication by simply adding "others" after the word over time when the reference in identical terms was already made to CGIT No.-II.

13. For reasons aforesaid, the reference made to this tribunal is answered by saying this tribunal has no jurisdiction to adjudicate upon the matter referred to it because substantially the matter was already referred to CGIT No. 2 and Presiding Officer CGIT No. 2 has already passed Award dated 11th March 2002 in Reference CGIT No. Z/79 of 1998. The reference is rejected. No costs.

S. C. PANDEY, Presiding Officer

नई दिल्ली, 31 दिसम्बर, 2002

का. आ. 333.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार स्टेट बैंक ऑफ इण्डिया के प्रबंधतंत्र के सम्बद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, चंडीगढ़ के पंचाट (संदर्भ संख्या आई. डी. नं. 131/92)

को प्रकाशित करती है, जो केन्द्रीय सरकार को 30-12-2002 को प्राप्त हुआ था।

[सं. एल-12012/115/92-आई. आर. (बी-1)]
अजय कुमार, डैस्क अधिकारी

New Delhi, the 31st December, 2002

S. O. 333.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (I.D. No. 131/92) of the Central Government Industrial Tribunal/Labour Court, Chandigarh now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of State Bank of India and their workman, which was received by the Central Government on 30-12-2002.

[No. L-12012/115/92-IR (B.1)]
AJAY KUMAR, Desk Officer

ANNEXURE

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-
CUM-LABOUR COURT, CHANDIGARH.

PRESIDING OFFICER SHRIS. M. GOEL

Case No. I.D. 131/92

Shri Sultan

C/o Sh. Gurdial Singh Advocate, Sabzi Mandi

Hill Road, Ambala Cantt.

..... Applicant.

V/S

Deputy General Manager,

State Bank of India,

Post Box No. 208, Sector 8-C,

Chandigarh.

..... Respondent.

REPRESENTATIVES

For the workman : Shri Dhani Ram

For the management : Shri Ajay Kohli

AWARD

(Passed on 13th November 2002)

The Central Govt. Ministry of Labour vide Notification No. L-12012/115/92-I.R. (B.3) dated 26th October 1992 has referred the following dispute to this Tribunal for adjudication :

"Whether the action of the management of State Bank of India, Chandigarh, in dismissing Shri Sultan from service w.e.f. 1-8-90, was justified. If not, to what relief the workman is entitled to and from what date?"

2. In the claim statement the workman has pleaded that he applied for a loan for SBI Employees Cooperative and Thrift and Credit Society for Rs. 5,000 alongwith a certificate from the Bank Manager confirming that the salary of the applicant is sufficient to deduct the instalment

from his wages. That the Branch Manager later on refused having signed the said certificate and allegation has been made that the applicant has forged the signatures of the branch manager. The applicant was suspended and charge sheet was issued. The Enquiry Officer induced the workman to admit the charges on the assurance that no action will be taken against him but his services were terminated. It is further pleaded that there was no evidence on behalf of the management to prove the charges and also the misconduct if any could not be said to have been committed during the course of employment and can not be the base of any punishment. It is, therefore, prayed that applicant be reinstated in service with full back wages.

3. In written statement it is pleaded by the management that the certificate was never signed by the management and the workman forged the signature of the branch manager just to avail the benefit of loan from the Society. During the course of enquiry also the workman has admitted his guilt and it is his voluntary act and there was no inducement. Fair and proper enquiry was held against the workman. He was afforded full opportunity to defend himself. He was shown the documents and he admitted his guilt voluntarily and without any pressure. The charges have been proved against him and punishment of dismissal was awarded and there is no infirmity in the enquiry proceedings and management prayed for the dismissal of the reference.

4. Replication was also filed reiterating the facts claimed in the claim statement.

5. In evidence the workman filed his affidavit Ex. W1. In cross-examination he admitted the documents Ex. M1 to M23 received by him. He has further admitted in cross-examination that he was given full opportunity to defend himself during enquiry proceeding. He has also admitted that he made the confession under the assurance that he will not be harmed in case he confessed. In rebuttal the management also filed its affidavits and other documents.

6. I have heard the learned representatives of both the parties and have gone through the record of the case. To be fair to him the learned representative of the workman has made the statement that he does not want to argue the case on the merits of the enquiry conducted by the management and he only wants the indulgence of this Tribunal to exercise its discretion mercifully in favour of the workman under Section 11-A of the I.D. Act 1947. In view of this position it is held that the enquiry conducted by the management is fair, proper and in accordance with the principle of the natural justice and there is no infirmity in the enquiry conducted by the management. The learned representative of the workman has further argued that since the act of misconduct has been done by the applicant not relating to the bank activities, he is entitled for the mercy of this Tribunal under Section 11-A. He has further argued that punishment of dismissal is disproportionate to the

misconduct. In my considered opinion the alleged act of misconduct was not related to the bank business. Thus the indulgence of this Tribunal in the matter of punishment is required as the applicant has already undergone about 12 years in litigation. Thus exercising the powers conferred by Section 11-A of the I.D. Act 1947, this Tribunal interfere with the aspect of punishment awarded. Thus the punishment of dismissal is modified as reinstatement into service with stoppage of three increments but the applicant will not be entitled to any wages for entire period. The continuity of service for the intervening period will only be considered for pensionary benefits. Therefore, the reference is disposed off with the direction that the workman be reinstated in service without any back wages with stoppage of three increments and he will not be allowed any benefit of continuity of service for the intervening period as already referred. Central Govt. be informed.

CHANDIGARH S.M. GOEL, Presiding Officer
Dated : 13-11-2002.

नई दिल्ली, 3 जनवरी, 2003

का. आ. 334.— औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार कोसी क्षेत्रीय ग्रामीण बैंक के प्रबंधन के सम्बद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण नं. 2, धनबाद के पंचाट (संदर्भ संख्या 38 ऑफ 1993) को प्रकाशित करती है, जो केन्द्रीय सरकार को 02-01-03 को प्राप्त हुआ था।

[सं. एल-12012/10/93-आई. आर. (बी-1)]
अजय कुमार, डेस्क अधिकारी

New Delhi, the 3rd January, 2003

S.O. 334.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 38 of 1993) of the Central Government Industrial Tribunal No. 2, Dhanbad now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Kosi Kshetriya Gramin Bank and their workman, which was received by the Central Government on 02-01-03.

[No. L-12012/10/93-IR (B.1)]
AJAY KUMAR, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL
TRIBUNAL (NO. 2) AT DHANBAD

PRESENT

Shri B. Biswas, Presiding Officer.

In the matter of an Industrial Dispute under Section
10(1)(d) of the I.D. Act, 1947.

REFERENCE NO. 38 OF 1993

PARTIES : Employers in relation to the management of
Kosi Kshetriya Gramin Bank, Purnea and their
workman.

APPEARANCES :

On behalf of the workman : None.

On behalf of the employers : Shri S. Paul, Advocate.

State : Jharkhand

Industry : Banking

Dated, Dhanbad, the 18th December, 2002

AWARD

The Govt. of India, Ministry of Labour, in exercise of the powers conferred on them under Section 10(1)(d) of the I.D. Act, 1947 has referred the following dispute to this Tribunal for adjudication vide their Order No. L-12012/10/93-I.R. (B-I), dated, the 3rd May, 1993.

SCHEDULE

"Whether the action of the management of Kosi Kshetriya Gramin Bank in terminating the services of Shri Ram Kumar Sharma w.e.f. 5-4-86 is legal and justified? If not, to what relief the workman is entitled to and from which date?"

2. The case of concerned workman according to the W.S. submitted by the sponsoring union on his behalf is as follows :—

The sponsoring union submitted that the concerned workman was appointed as daily rated worker to work as Messenger-cum-Sweeper-Water boy by the management on and from 17-4-84 and posted at Gramhariya Branch where he worked regularly and continuously to the full satisfaction of the management. They submitted that during the tenure of his work the concerned workman put his attendance for more than 715 days. They alleged that the management illegally and violating the principle of natural justice stopped the concerned workman from the service with effect from 4-4-86 without giving any notice and paying any compensation under Section 25F of the I.D. Act inspite of his rendering service for continuous two years satisfactorily. They alleged that inspite of giving representation the management did not reinstate the concerned workman to his service. Accordingly they on behalf of the concerned workman raised an industrial dispute which ultimately resulted reference to this Tribunal for award.

3. The management on the contrary after filing W.S.-cum-rejoinder have denied all the claims and allegations which the sponsoring union asserted in their W.S. They submitted that the concerned workman was engaged as casual worker for 2/3 hours in a day in taking up different types of external works unconnected with the banking. Sometimes he was engaged for two hours to sweep the

premises or to bring few buckets of drinking water like that of miscellaneous jobs and against such work he was being paid on pro rata basis. He neither worked for whole day nor he was engaged continuously to take up such job. Actually he was engaged absolutely on casual basis and after 1986 he was never available. They submitted that after a lapse of eight years the concerned workman being misguided by some leaders who had vested interest raised this dispute which has no merit of its own. Accordingly the management submitted their prayer to pass award rejecting the claim of the concerned workman which has been placed through sponsoring Union.

4. The points to be decided in this reference are :—

“Whether the action of Kosi Kshetriya Gramin Bank in terminating the services of Sri Ram Kumar Sharma i.e. the concerned workman w.e.f. 5-4-86 is legal and justified? If not, to what relief the workman is entitled to and from which date?”

5. Findings with reasons

It is seen from the record that apart from submission of their pleadings neither the concerned workman nor the management adduced any evidence, in order to substantiate their respective claim.

6. Considering the W.S. submitted by both sides it is evident that during the period of 1984 and 1985 the concerned workman rendered his service to the management at Gamahriya Branch as daily rated worker. It is the contention of the sponsoring union that during this period the concerned workman rendered his service continuously and put his attendance for 715 days. They submitted that apart from the work of Messenger the concerned workman also used to perform his duties as Sweeper and also water carrier. They alleged that inspite of rendering continuous service for two years the management stopped him from work with effect from 5-4-86 without giving any notice under Section 25F of the I.D. Act, 1947. They also did not consider necessary to pay any compensation to the concerned workman though he was legally entitled to get so. They submitted that such order for termination from service was not only illegal and arbitrary but also it violated all the principles of natural justice.

7. On the contrary I find a different picture from the submission of the management. They admitting the fact of the work of the concerned workman in the said branch submitted that his engagement was absolutely casual in nature for a period of 2/3 hours in a day and accordingly he was to be paid on pro rata basis. They categorically denied the fact that the concerned workman continuously worked in the said branch and put his attendance for 715 days and for which they submitted that there was no question of giving any notice under Section 25F of the I.D. Act or payment of any compensation. They disclosed

that in the year 1986 the concerned workman stopped his work and did not turn up thereafter. They alleged that under provocation of some union leaders after a lapse of eight years he raised the present industrial dispute with a view to place his claim.

7. Question of application of Section 25F of the I.D. Act comes in if it is established that the concerned workman worked under the management continuously and put his attendance for more than 240 days in a year. It is the contention of the concerned workman that inspite of his working for 715 days continuously the management stopped him from work without assigning any reason or without giving any notice under Section 25F of the I.D. Act. They even did not consider necessary to pay any compensation to him. In view of the submission of the concerned workman onus definitely shifts on him to establish that he rendered his service continuously for 715 days. Considering submission of both sides there is no dispute to hold that during the period of 1984 and 1985 the concerned workman worked on daily wages basis at Gamahriya Branch. The contention of the management is that as his engagement was absolutely casual in nature wages was to be paid on pro rata basis. Denying the claim of the management the concerned workman has failed to produce a single scrap of paper in course of hearing inspite of getting ample opportunities. Even he had the scope to produce the vouchers to substantiate his claim. Question of application of the provision of Section 25F comes in if it is established that his service was continuous and he worked more than 240 days in a year. As the sponsoring union has failed to substantiate this vital ingredient I do not find any scope to accept their contention.

8. The management alleged that after a lapse of eight years the concerned workman has raised this dispute through the sponsoring union and accordingly it is barred by limitation. Under the I.D. Act no such provision is available. However, considering the nature of the claim the sponsoring union cannot avoid their responsibility to explain why the concerned workman made such inordinate delay in raising the dispute. No satisfactory explanation on the part of the concerned workman is forthcoming before this Tribunal in course of hearing. It is very much evident that the concerned workman remained completely silent for about eight years though according to him he became the victim of arbitrary and illegal decision of the management.

9. As such after careful consideration of all the facts and circumstances I hold that the sponsoring union have failed to substantiate the claim that the management illegally, arbitrarily and violating the principles of natural justice stopped the concerned workman from work without any notice under Section 25F of the I.D. Act inspite of his rendering services continuously for 715 days in two years. Accordingly the concerned workman is not entitled to get

any relief. In the result, the following Award is rendered :—

“The action of the management of Kosi Kshetriya Gramin Bank in terminating the services of Shri Ram Kumar Sharma w.e.f. 5-4-86 is legal and justified. Consequently, the concerned workman is not entitled to get any relief.”

B. BISWAS, Presiding Officer

नई दिल्ली, 2 जनवरी, 2003

का. आ. 335.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसंरण में, केन्द्रीय सरकार डाक विभाग के प्रबंधन के सम्बद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण नं.-2, धनबाद के पंचाट (संदर्भ संख्या 102/98) को प्रकाशित करती है, जो केन्द्रीय सरकार को 2-1-2003 को प्राप्त हुआ था।

[सं. एल-40012/139/96-आई.आर.(डी.यू.)]

कुलदीप राय वर्मा, डैस्क अधिकारी

New Delhi, the 2nd January, 2003

S.O. 335.—In pursuance of Section 17 of the Industrial Disputes Act, -1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 102/98) of the Central Government Industrial Tribunal No. 2, Dhanbad now as shown in the annexure in the Industrial Dispute between the employers in relation to the Management of D/o Post and their workman, which was received by the Central Government on 2-1-2003.

[No. L-40012/139/96-IR(D.U.)]

KULDIP RAI VERMA, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL, NO. 2, AT DHANBAD

PRESENT :

Shri B. Biswas,
Presiding Officer

In the matter of an Industrial dispute under
Section 10(1)(d) of the I.D. Act, 1947

REFERENCE NO. 102 OF 1998

PARTIES : Employers in relation to the management
of Deptt. of Posts, Patna and their
workman.

APPEARANCES :

On behalf of the workman : None.

On behalf of the employers : None.

State : Jharkhand Industry : Post and Telegraph.

Dated, Dhanbad, the 10th December, 2002.

AWARD

The Govt. of India, Ministry of Labour, in exercise of the powers conferred on them under Section 10(1)(d) of the I. D. Act., 1947 has referred the following dispute to this Tribunal for adjudication vide their Order No. L-40012/139/96-IR(DU), dated the 12th March, 1998.

SCHEDULE

“Whether the action of the management of Postal Department in terminating the services of Sh. Surendra Pd. Verma Dhanarua Branch Post Office is legal and justified? If not, to what relief the workman is entitled?”

2. The case of the concerned workman according to W.S. submitted on his behalf in brief is as follows :—

It has been submitted by him that used to work as a substitute Extra Departmental Delivery Agent of Dhanura branch post office in place of Awadesh Prosad without any break and interruption from 10-9-92 to 15-1-94, as per certificate dt. 17-12-94 issued by the Branch Post Master Dhanarua. He disclosed that thereafter as per order of the management the sub-postmaster again engaged him to work in his office on the same post from 16-1-94 to 20-2-95 as casual labourer but his service was again terminated by the management with effect from 21-2-95. It has been submitted that in this way he continuously worked under the management for 2 years, five months and 10 days. He disclosed that his work and conduct for the entire period for which he worked were quite satisfactory. There had not been any complaint from any quarter whether against his work or conduct. His termination of service was not as a measure of any sort of penalty imposed on conclusion of any disciplinary proceedings. He alleged further that the management also before termination of service did not give any notice under Section 25F of the I.D. Act. Accordingly he submitted that such termination of his service was not only illegal, arbitrary but also against the principle of natural justice. In the circumstances he raised an industrial dispute before the LC (C) Patna for conciliation which ultimately resulted reference to this Tribunal for Award.

3. The management on the contrary after filing W.S.-cum-rejoinder have denied all the claims and allegation which the concerned workman asserted in the W.S. They submitted that the concerned workman was engaged as substitute from 10-9-92 by employment orders No. 1 dt. 31-10-92 on the clear understanding that the substitute may be discharged by the Appointing Authority at any time without assigning any reason. They disclosed that Sri Awadesh Prosad, the original E.D.D. A. had provided the concerned workman as his substitute on his risk and responsibility. They disclosed that a substitute is a shadow of the Extra Departmental employee and for which he cannot claim his absorption in the department. It has been further submitted by them that the concerned workman as daily wages mazdoor worked from 16-1-94 to 22-2-95 with service

break from 12-7-94 to 17-7-94 and again from 19-11-94 to 2-12-94. Accordingly his service under the management was not at all continuous. Actually he worked for only 180 days continuously and for which there was no scope to issue any notice under Section 25F of the I.D. Act. They disclosed that the post of E.D.D.A. at Dhanarua Post Office at present though is lying vacant but the appointment is required to be made in accordance with the Recruitment Rules, prescribed by the Govt. In view of the facts and circumstances, the management submitted their prayer to pass award rejecting the claim of the concerned workman.

4. The points to be decided in this reference are :—

“Whether the action of the management of Postal Department in terminating the services of Surendra Prosad Verma, Dhanarua Branch Post Office is legal and justified? If not, to what relief the workman is entitled?”

FINDINGS WITH REASONS

5. It transpires from the record that neither the concerned workman nor the management adduced any oral evidence in order to substantiate their respective claim. They, however, relied on some documentary evidence in support of their claim.

Now let me consider if the claim of the concerned workman stands on cogent footing and also if he is entitled to get relief according to his prayer. It is admitted fact that the concerned workman worked as a substitute extra departmental delivery agent of Dhanarua branch post office in place of Sri Awadesh Prosad with effect from 10-9-92 to 15-1-94. Both the parties in this respect relied on annexure W/1. The order issued by the Inspector Post Office, South Central Sub-division, Patna vide No. A/1 Dhanarua dt. 31-10-92 (W/1) speaks clearly that the substitute particularised below are hereby approved for pay and allowance on the clear understanding that they may be discharged by the appointing authority at any time without assigning any reason. It is further noted in the order that Awadesh Prosad, E.D.A. provided his substitute i.e. the concerned workman to carry on the job of E.D.A. Annexure W/2 speaks that said Awadesh Kumar delivered charge of E.D.A. to the concerned workman on 9-9-92. While Annexure W/3 shows that the concerned workman was terminated from his job with immediate effect and further order was passed to the effect that delivery work may be managed by coolie on payment of Rs. 16.75 per day till further order.

6. Considering the facts and circumstances, it is clear that the concerned workman was a substitute of another E.D.A. Awadesh Kumar. On recommendation by Awadesh Kumar the concerned workman got his appointment as substitute E.D.D.A. subject to the terms and conditions referred to above. This arrangement, therefore, shows clearly that the appointment in question was not in regular appointment against any clear vacancy. It was a temporary

arrangement made due to understanding between Sri Awadesh Kumar & the management with a view to carry on the work smoothly during the absence of the workman i.e. Awadesh Kumar and said Awadesh Kumar recommended the name of the concerned workman to discharge the function of the E.D.D.A. during the period of his absence. The arrangement so made I consider did not accrue any right on the part of the concerned workman to claim regularisation of his service to the post of E.D.D.A. Therefore, such claim of the concerned workman finds no merit.

7. It is the claim of the concerned workman that in view of order dt. 8-1-94 (Annexure W/3) he was engaged by the management to work at Dhanarua Branch Post Office on 16-1-94 as casual labourer and worked there till 20-2-95 continuously and uninterruptedly but the management without giving any notice terminated his service with effect from 21-2-95. He disclosed that during this period he worked more than 240 days. He disclosed that such termination of his service was illegal arbitrary and against the principle of natural justice. He claimed for regularisation of his service under the management. Management on the contrary categorically denying the claim of the concerned workman submitted that the concerned workman was engaged as daily wages mazdoor from 16-1-94 to 22-2-95 but there was clearly break from 12-7-94 to 17-7-94 and again from 19-11-94 to 2-12-94. They disclosed that during this period the concerned workman as daily wages mazdoor worked for only 180 days and for which neither there was any question of giving him any notice under Section 25F of the I.D. Act nor there was any scope for regularisation of his service. Considering the facts and circumstances, I find no dispute to hold that as daily mazdoor the concerned workman worked at Dhanarua Branch Post Office from 16-1-94 to 22-2-95. It is the claim of the concerned workman that during the period he worked for more than 240 days. The claim of the management on the contrary appears otherwise. They denying the claim of rendering continuous service by the concerned workman submitted that he worked there with break in service and in all he worked for 180 days. To establish the claim that the management terminated him from service without issuing any notice under Section 25F of the I.D. Act inspite of rendering continuous service of more than 240 days the concerned workman cannot avoid responsibility to establish the same.

8. With utter surprise I noticed that inspite of getting sufficient opportunities the concerned workman did not consider necessary to come forward with a view to establish his claim. It should be borne into mind that the concerned workman was engaged as daily mazdoor absolutely on temporary basis. As the status of the concerned workman comes within the definition of Section 2(oo) of the I.D. Act question of giving notice under Section 25F comes in before termination of his service subject to fulfilment of the condition that he worked more than 240 days in a year

under the management. Accordingly it was expected that the concerned workman will take all venture to establish his claim but I should say that he has lamentably failed to do so.

9. Accordingly after careful consideration of all the facts and circumstances carefully I hold that the concerned workman is not entitled to get any relief in view of his prayer.

In the result, the following award is rendered :—

“The action of the management of Postal Department in terminating the services of Sh. Surendra Pd. Verma, Dhanarua Branch Post Office is legal and justified. Consequently, the concerned workman is not entitled to get any relief.”

B. BISWAS, Presiding Officer

नई दिल्ली, 2 जनवरी, 2003

का.आ. 336.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार इण्डियन टेलीफोन इंडस्ट्रीज लिमिटेड के प्रबंधन के सम्बद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में औद्योगिक अधिकरण/श्रम मंत्रालय, जोधपुर के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 2-1-2003 को प्राप्त हुआ था।

[सं. एल-40012/564/2000-आई.आर.(डी.यू.)]

कुलदीप राय वर्मा, डैस्क अधिकारी

New Delhi, the 2nd January, 2003

S.O. 336.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Industrial Tribunal/Labour Court, Jodhpur as shown in the annexure in the Industrial Dispute between the employers in relation to the Management of Indian Telephone Industries Ltd and their workman, which was received by the Central Government on 2-1-2003.

[No. L-40012/564/2000-IR(D.U.)]

KULDIP RAI VERMA, Desk Officer

अनुबंध

औद्योगिक विवाद अधिकरण एवं श्रम न्यायालय

जोधपुर

पीठासीन अधिकारी :—श्रीमती निशा गुप्ता, आर.एच.जे.एस.औ.वि.
केन्द्रीय सं. :—30/2001

बेहनाराम पुत्र श्री लादाराम निवासी गांव पोस्ट सरली बाया रावतसर,
तहसील बाडमेर, जिला बाडमेर

.....प्रार्थी

बनाम

- चेयरमैन एवं प्रबन्धक, भारतीय टेलीफोन संस्थाएं (पंजीकृत व कॉरपोरेट ऑफिस) 45/1, मुजियम रोड, बेंगलोर।

- मैनेजर, भारतीय टेलीफोन संस्थान, 45/1, मुजियम रोड, बेंगलोर।
- सहायक मैनेजर, जी-50, शास्त्रीनगर, जोधपुर।

.....अप्रार्थी

उपस्थिति :

- प्रार्थी की ओर से श्री बी.के. कायमलखानी : प्रतिनिधि
- अप्रार्थी की ओर से श्री एन.एस. आचार्य : प्रतिनिधि

अधिनिर्णय

दिनांक 27-11-2002

श्रम मंत्रालय भारत सरकार, नई दिल्ली ने अपनी अधिसूचना क्रमांक एल. 40012/564/2000 आई.आर. (डी.यू.) दिनांक 20-3-2001 से निम्न विवाद वास्ते अधिनिर्णय इस न्यायालय को प्रेषित किया है :—

“Whether the action of the management of Indian Telephone Industries Ltd., Jodhpur in terminating the services of Sh. Bahnaram S/o Sh. Ladaram w.c.f. 30-11-92 is legal and justified? If not, to what relief the workman is entitled to?”

उपरोक्त रेफरेन्स इस न्यायालय में प्राप्त होने पर दर्ज रजिस्टर्ड किया जाकर पक्षकारों को जरिये नोटिस आहुत किया गया। प्रार्थी ने अपना मांग-पत्र प्रस्तुत किया जिसका जवाब अप्रार्थी की ओर से पेश किया गया व यह प्रकरण 16-8-2002 को वास्ते शपथ-पत्र प्रार्थी हेतु नियत किया गया लेकिन प्रार्थी की ओर से 16-8-2002 को भी शपथ-पत्र पेश नहीं किया व मौका चाहा जिस पर 24-9-2002 की पेशी नियत की गई लेकिन प्रार्थी की ओर से उस रोज भी मौका चाहा जिस पर आज की तारीख पेशी नियत की गई, आज भी प्रार्थी प्रतिनिधि शपथ-पत्र हेतु अवसर चाहते हैं, पूर्व में पर्याप्त अवसर देने के बावजूद प्रार्थी की ओर से शपथ-पत्र प्रस्तुत नहीं करने के कारण यह प्रतीत होता है कि श्रमिक इस विवाद को आगे चलाने में रुचि नहीं रखता है तथा उसके व अप्रार्थी के मध्य अब कोई विवाद शेष नहीं रहा है। अतः समस्त तथ्यों एवं परिस्थितियों को देखते हुए प्रस्तुत प्रकरण में कोई विवाद नहीं रह जाने का अधिनिर्णय (नोटिस्पयुट एवार्ड) पारित किया जाता है।

इस अधिनिर्णय को प्रकाशनार्थ केन्द्रीय शासन को प्रेषित किया जावे। यह अधिनिर्णय आज दिनांक 27-11-2002 को खुले न्यायालय में हस्ताक्षर कर सुनाया गया।

निशा गुप्ता, न्यायाधीश

नई दिल्ली, 3 जनवरी, 2003

का.आ. 337.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार मिलिट्री डेयरी फार्म के प्रबंधन के सम्बद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, लखनऊ के पंचाट (संदर्भ संख्या 113/2000) को प्रकाशित करती है, जो केन्द्रीय सरकार को 3-1-2003 को प्राप्त हुआ था।

[सं. एल-14012/100/98-आई.आर.(डी.यू.)]

कुलदीप राय वर्मा, डैस्क अधिकारी

New Delhi, the 3rd January, 2003

S.O. 337.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 113/2000) of the Central Government Industrial Tribunal/Labour Court, Lucknow now as shown in the annexure in the Industrial Dispute between the employers in relation to the Management of Military Dairy Farm and their workman, which was received by the Central Government on 3-1-2003.

[No. L-14012/100/98-IR(D.U.)]

KULDIP RAI VERMA, Desk Officer

ANNEXURE

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-
CUM-LABOUR COURT LUCKNOW

PRESENT:

RUDRESH KUMAR, Presiding Officer

I.D. No. 113/2000 (Kanpur No. 91/99)

Ref. No. L-14012/100/98/IR (DU) dated 22-4-1999

Between

Kiran Pal Singh, C/o B.M.S. 32, Chakrata Road,
Dehradun

And

The Officer, Incharge, Military Dairy Farm,
Dehradun

AWARD

By Order No. L-14012/100/98/IR (DU) dated 22-4-1999, the Central Government in the Ministry of Labour, in exercise of powers conferred by clause (d) of Sub-section (1) and section 2(A) of section 10 of the I.D. Act, 1947 (14 of 1947) referred this industrial dispute between Kiran Pal Singh, C/o B.M.S., 32, Chakrata Road, Dehradun and the Officer Incharge, Military Dairy Farm, Dehradun, for adjudication to CGIT-cum-Labour Court, Kanpur. Later, vide order No. Z-13011/1/97-CLS-II dated 21-8-2000, this case was transferred to this tribunal.

The reference under adjudication is as under :

"Whether the action of the Management Dairy Farm, Dehradun in terminating the services of Kiran Pal Singh Ex-Casual Labour is legal and justified ? If not, to what relief the workman is entitled ?"

2. Facts are that the workman, Kiran Pal Singh, was engaged by the Military Dairy Farm, Dehradun as a Casual Labour w.e.f. 2-2-87. He worked continuously since then upto 31-8-98. In each year of his association as casual labour, he worked for more than 240 days and thus, was in continuous service as defined under section 25-B of the I.D. Act, 1947. He was engaged in perennial nature of work. His services were illegally dispensed with by oral order

w.e.f. 1-9-98, without any notice or notice pay and retrenchment compensation etc as is necessary under section 25-F of the said Act. It is also alleged that junior workers were retained in preference to the workman and the policy of 'first come last go' was not followed. He was entitled to regularisation as per policy of the Government but the management terminated his services without observing prescribed procedures rendering its order void-*ab-initio*. Relief of reinstatement with back wages have been claimed.

3. Aggrieved by his illegal retrenchment, the workman raised industrial dispute on 3-9-98 before the Asstt. Labour Commissioner, Dehradun. In compliance of notice, the management appeared for conciliation on 18-9-98 as provided under Section 12 of the I.D. Act, 1947, but no settlement could be reached, resulting into failure report and consequently the present reference for adjudication.

4. The Military Dairy Farm, Dehradun through Capt. D.S. Rathore, Officer Incharge, contested the claim of the workman and filed written statement. A preliminary objection is raised stating that correct name is 'Military Farm' and not Military Dairy Farm and so, the reference is incorrect and can not be adjudicated. Also, other preliminary objections have been raised that the Military Farm is not an 'industry', Kiran Pal Singh is not workman, as defined under the provisions of I.D. Act, and further, there is no industrial dispute to be resolved. The workman is not entitled to raise this dispute in personal capacity as this dispute should have been raised by the representative union. The management assailed the claim, stating that the work against which Kiran Pal Singh was engaged was of seasonal nature. On mechanization of the Military Farm, need of man power reduced and so, retrenchment of casual labourers became necessary. Only juniors were retrenched by giving notice to collect compensation etc as provided under law. The workman was disengaged on 23-9-98 and not on 1-9-98 as alleged. He was directed to collect his compensation from the office but he preferred not to attend the office to collect his cheque. Later, the compensation was sent by post which was refused, thus, there is substantive compliance of section 25-F of the I.D. Act. The workman was surplus and his services were terminated, retaining his name in the register to be called for duties in future subject to availability of work.

5. A copy of letter No. A/88043/PE/Q/MF-4 (GEN) dated 24th August, 1998 from V.P. Singh, Brig., DDG, MF is filed by the management to support its case. This letter mentions that a commitment has been in presentation to COAS on 13-8-98 to reduce manpower by 01-9-98. In light of the said commitment, some actions were advised in the letter, to cease employment of CL/CLTS w.e.f. 1-9-98 after regularizing services of CLTS/CL to fill up vacancies as per revised PE and further, in future to provide temporary employment on job basis for seasonal nature of work.

Taking attendance on muster roll was also prohibited. The officer incharges were also made liable for recovery and disciplinary action, in case any CL employed after 1-9-98.

6. The management has not disputed engagement of the workman as casual labourer w.e.f. 2-2-87 or his continuous working upto 31-8-98. Also, specific denial has not been made assailing claim of the workman that he served more than 240 days in each years of his service. There is general denial of the claim without supporting documents. It is contended that he was surplus and so, was retrenched and his name find reference in the list of workmen to be called for service in future on availability of work. Admittedly, retrenchment notice was not given before disengaging the workman, instead the workman was directed to collect his compensation on 22-9-98 from the office. He preferred not to collect his cheque. Accordingly, he was terminated on 23-9-98, treating substantial compliance of Section 25-F I.D. Act, 1947. Furthermore, his cheque was sent by registered post on 24-9-98, but the workman did not acknowledge.

7. Before adverting to discuss merit of the case, it seems appropriate to take up preliminary objections. The plea of the management that 'Military Farm' has been wrongly noted as 'Military Dairy Farm' and so, the reference is incompetent and defective, is misconceived. Military Farm is generally called Military Dairy Farm and a workman, being illiterate, may commit another mistake. Military Farm and Military Dairy Farm are not two distinct units to cause confusion to the management. The management has filed written statement treating it to be Military Farm and also appeared in conciliation proceeding before ALC (C). Nothing is shown that any such objection was taken before the ALC (C) prior to submission of the Failure Report which formed basis of the reference. In the said background, this plea is very technical has no legal significance and thus, rejected.

8. The plea that the Military Farm is not an 'industry' is also misconceived. The aim and object of the Military Farm, is, to supply milk and other products to the soldiers. The ex-soldiers and their family members etc. on payment, may be without profit motive. The nature of activities are commercial. The management admitted its function being 'quasi commercial' in reply to notice from the ALC (C). The Military Farm do not discharge sovereign functions of state. Thus, the Military Farm, is an 'industry' under the I.D. Act, 1947. The provisions of the I.D. Act, 1947 are applicable in the matter of casual labourers engaged by the Military Farm. The supporting evidence relied by the management also prove application of the I.D. Act, 1947. The O.M. No. 4914/2/86-Estt. Dated 7-6-88, formulated scheme for regularisation and grant of temporary status to the casual labourers which are in conformity of the provisions of the I.D. Act, 1947. The management has not produced any rule showing exclusions of the I.D. Act, 1947 in connection with casual workers. Thus, Kiran Pal Singh

is a workman, entitled to raise this dispute. Also, this Tribunal has jurisdiction to adjudicate the reference raised by Kiran Pal Singh in individual capacity, under section 2-A of the I.D. Act, 1947, impugning his termination. He is not under obligation to approach through the union to seek relief.

9. On merit, firstly, it is to be determined whether alleged termination was affected, w.e.f. 1-9-98, or 23-9-98 as alleged by the management. According to the workman, he was not allowed to work w.e.f. 1-9-98. This submission find corroboration from the letter dated 14-8-98 of Brig. V.P. Singh who directed that the employment of CL/CLTS will cease w.e.f. 1-9-98. Nothing is shown that this order was not complied by the Military Farm. Also, there is no evidence to show that the workman was permitted to work on or after 1-9-98 upto 23-9-98, or his attendance on or after 1-9-98 on muster roll was taken or payment of his wages upto 23-9-98 were made. It is noticeable that the industrial dispute was raised on 3-9-98 before ALC (C), and hearing was held on 18-9-98. How the management could participate in hearing before 23-9-98, if the termination was not effective on the said date. The retrenchment order No. E-4/TS/DL/F-2 dated 23-9-98. 15 days salary and retrenchment compensation by cheque, appear to have been prepared subsequently, to remove legal defects. Had it not been so, the workman should have also been paid 23 days wages i.e. from 1-9-98 to 23-9-98 by the said cheque. This retrenchment order does not mention inclusion of 23 days wages. Two office memos dated 22-9-98 and 23-9-98 are filed which mention that the workman did not report to collect his cheque. These documents are office reports. No document is filed to show that the workman, infact, had any notice to collect his cheque on 22-9-98 i.e. one day in advance of 23-9-98. The case of the management can not be believed that termination was made on 23-9-98 or there was substantial compliance of Section 25-F I.D. Act, 1947. The workman, infact, was terminated w.e.f. 1-9-98 as per direction of Brig. V. P. Singh dated 14-8-98. It is also established that compliance of Section 25-F of the I.D. Act, 1947 was not made rendering the termination void-ab-initio.

10. The management failed to prove that Kiran Pal Singh was not entitled to temporary status as per office memo No. 4912/2/86-Estt © dated 7-6-88 and O.M. No. 51016/2/90-Estt. © Govt. of India, Ministry of Personal, P.G. and Pension, Department of Personal and Training, New Delhi dated 10-9-93. Policy decisions through these documents, rationalised working of the casual workers, particularly, in the matter of their wages and future regularisation. It provided for creation of additional regular posts, if necessary, in concurrence with the Ministry of Finance. The appended scheme with O.M. dated 10-9-93 provides conferment of 'temporary status' without reference to creation/availability of group 'D' posts. This also provides that workers with temporary status, may be

deployed any where within the recruitment unit/territorial circle on the basis of availability of work. These circulars also provide that after rendering 3 years continuous service after conferment of temporary status, such casual labourers, were required to contribute to the General Provident Fund. Such workers were also eligible for grant of festival advance, flood advance etc. on the same conditions as are applicable to temporary group 'D' employees. Para 8 & 9 of this circular provide for regularisation of such casual workers with temporary status. The workman rendered continuous service for more than 11 years and thus was entitled to temporary status. Non issuance of formal order to treat him casual labourer with temporary status will not defeat his cause.

11. The submission of the management that there was no work to engage the workman can not be accepted in face of averments in letter dated 14-8-98 of Brig. V. P. Singh, where by it was directed to provide temporary employment on job basis and not obtain signatures on muster roll. It implies availability of work. Even if there was seasonal work, the workman had preferential claim. No such order to give preference to the retrenched workmen has been filed. The action of the management is thus, unjustified.

12. Admittedly, Kiran Pal Singh was a casual labour and he fulfilled eligible criteria to be regularised. The management did not put any record to show availability of regular-vacancies or absorption of casual labourers with temporary status, as was directed by Brig. V.P. Singh in his letter dated 14-8-98. Thus, the action of the management can not be justified in terminating the services of the workman, on the plea of surplusage without following statutory procedures. The retrenchment of the workman, Kiran Pal Singh without observing safeguards contained under Section 25-F of the I.D. Act, 1947, is void-ab-initio.

13. As such, the reference is adjudicated in favour of the workman, Kiran Pal Singh. His termination is void-ab-initio and so, he is entitled to reinstatement with full back wages.

14. Award as above.

Lucknow: RUDRESH KUMAR, Presiding Officer
26-12-2002.

नई दिल्ली, 3 जनवरी, 2003

का. आ. 338.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार मिलिट्री डेयरी फार्म के प्रबंधन के सम्बद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, देहरादून के पंचाट (संदर्भ संख्या 151/2000) को प्रकाशित करती है, जो केन्द्रीय सरकार को 3-1-2003 को प्राप्त हुआ था।

[सं. एल-1-1012/38/99-आई.आर.(डी.यू.)]

कुलदीप राय वर्मा, डैस्क अधिकारी

New Delhi, the 3rd January, 2003.

S.O. 338.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 151/2000) of the Central Government Industrial Tribunal/Labour Court, Lucknow now as shown in the annexure in the Industrial Dispute between the employers in relation to the Management of Military Dairy Farm and their workman, which was received by the Central Government on 3-1-2003.

[No. L-14012/38/99-IR(D.U.)]

KULDIP RAI VERMA, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT,
LUCKNOW.

PRESENT:

RUDRESH KUMAR, Presiding Officer

I.D. No. 151/2000 (Kanpur No. 268/99)

Ref. No. L-14012/38/99/IR (DU) dated 3-8-1999

BETWEEN

Shri Ram S/o Ram Dheeraj, C/o B.M.S. 32, Chakrata Road,
Dehradun.

AND

The Officer Incharge, Military Dairy Farm,
Dehradun.

AWARD

By order No. L-14012/38/99/IR (DU) dated 3-8-1999, the Central Government in the Ministry of Labour, in exercise of powers conferred by clause (d) of sub-section (1) and Section 2(A) of Section 10 of the I.D. Act, 1947 (14 of 1947) referred this industrial dispute between Shri Ram S/o Ram Dheeraj, C/o B.M.S., 32, Chakrata Road, Dehradun and the Officer Incharge, Military Dairy Farm, Dehradun, for adjudication to CGIT-cum-Labour Court, Kanpur. Later, vide order No. Z-13011/1/97-CLS-II dated 21-8-2000, this case was transferred to this tribunal.

The reference under adjudication is as under:

"Whether the action of the Management of Dairy Farm, Dehradun in terminating the services of Shri Ram Ex-Temp. Status Ex Casual Labour is legal and justified? If not, to what relief the workman is entitled?"

2. Facts are that the workman, Shri Ram, was engaged by the Military Dairy Farm, Dehradun as a Casual labour w.e.f. 9-8-88. He continuously worked since then upto 31-8-98. In each year of his association with Military Dairy Farm as casual labour, he worked 240 days and more had been in continuous service as defined under section 25-B

of the I.D. Act, 1947. He was engaged in regular nature of work. His services were illegally dispensed with w.e.f. 1-9-98, without any notice, notice pay and retrenchment compensation etc. as provided under section 25-F of the said Act. It is also alleged that junior workers were retained in preference to him, ignoring legal policy of 'first come, last. He was entitled to regularisation as per policy of the Government. The action of the management in terminated him without observing rule of natural justice, is void-ab-intio and he is entitled to reinstatement with back wages.

3. It is averred in the statement of claim that aggrieved by illegal termination, he raised this industrial dispute on 3-9-98 before Asstt. Labour Commissioner(C), Dehradun, who issued notice to the Officer Incharge. In compliance of notice, the management of Military Dairy Farm appeared on 18-9-98 for conciliation as provided under section 12 of the I.D. Act, 1947. However, settlement could not be reached and so, the present reference for adjudication.

4. The Military Dairy Farm, Dehradun through Capt. D.S. Rathore, Officer Incharge, contested the claim of the workman and filed written statement. A preliminary objection is raised stating that correct name of the opposite party is 'Military Farm' and not Military Dairy Farm and so, the reference is incorrect, liable to be returned without any adjudication. Some other preliminary objections have also been raised that the Military Farm is not an 'industry', Shri Ram is not a 'workman', as defined under 2(s) of the I.D. Act, 1947 and further, there is no industrial dispute to be resolved. The workman is not entitled to raise this dispute in personal capacity as this dispute could be raised only by the representative union. The management has assailed the claim on merit, stating that Shri Ram used to be engaged in seasonal nature of works. It is stated that on mechanization of the Military Farm, need of man power got reduced and so, decision was taken to reduce casual labourers, after regularising those eligible. Junior workmen were retrenched by giving notice pay and compensation etc. Shri Ram was disengaged on 23-9-98 with notice to collect his compensation from the office. He preferred not to attend office for collecting his cheque. Since he was surplus, his service were terminated. However, he is retained in the register to be offered employment in future on availability of works.

5. A copy of letter No. A/88043/PE/Q/MF-4 (GEN) dated 24th August, 1998 from V.P. Singh, Brig., DDG,MF is filed by the management in support of the case. This letter mentions that a commitment has been made in presentation to COAS on 13-8-98 to reduce manpower by 1-9-98. In light of the said commitment, actions were advised in the side letter, to cease employment of CL/CLTS w.e.f. 1-9-98 after regularizing services of CLTS/CL to fill up vacancies as per revised PE and further, to provide temporary employment on job basis for seasonal nature of works. Taking of attendance in muster roll was also prohibited. The officer

incharges were also made accountable for recovery and disciplinary action, in case any CL employed after 1-9-98.

6. The management has admitted engagement of the workman as casual labour and grant of temporary status on him. There are general denial of facts recited in the claim but documents have not been submitted to assail contentions of the workman. It is pleaded that he was surplus and so, was retrenched though his name retained in the list of workman, to be called for service of workman. According to management the workman was directed to collect his compensation on 22-9-98 from the office, but he preferred not to collect his cheque. Accordingly his services were terminated on 23-9-98, treating substantial compliance of section 25-F I.D. Act, 1947. Furthermore, his cheque was sent by registered post on 24-9-98 which was not acknowledged.

7. Before advertng to discuss merit of the case, it seems appropriate to take up preliminary objections. First plea of the management that 'Military Farm' has been wrongly noted as 'Military Dairy Farm' and so, the reference is incompetent and defective, is misconceived. Military Farm is generally called Military Dairy Farm and a workman, being illiterate, may commit such mistake. Military Farm and Military Dairy Farm are not two distinct units to cause confusion to the management. The management has filed written statement treating it to be Military Farm and also appeared in conciliation proceeding before ALC (C). Nothing is shown that any such objection was taken before the ALC (C) prior to submission of the Failure Report which formed basis of the present reference. In the said background, this plea is too technical and with no legal significance and as no prejudice was caused to the management.

8. The plea that the Military Farm is not an 'industry' is also misconceived. The aim and object of the Dairy Farm, is, to supply milk and other products to the soldiers ex-soldiers and their family members etc. on payment, may be without profit motive. The nature of activities are commercial. The management has admitted its function being 'quasi commercial' in reply to notice from the ALC (C). The Military Farm do not discharge sovereign functions of state. Thus, the Military Farm Dehradun, is an 'industry' under the I.D. Act, 1947. The provisions of the I.D. Act, 1947 are applicable in the service matters of the casual labourers engaged by the Military Farm. The supporting evidence relied by the management also prove application of the I.D. Act, 1947. The O.M. No. 4914/2/86-Estt. Dated 7-6-88, formulated scheme for regularisation and grant of temporary status to the casual labourers which are in conformity with the provisions of the I.D. Act, 1947. The management did not produced rules or orders showing exclusions of the I.D. Act, 1947. Also, this Tribunal has jurisdiction to adjudicate the reference raised by him in individual capacity, under section 2-A of the I.D. Act, 1947, impugning his termination.

9. On merit, firstly : it is to be determined whether termination was affected, w.e.f. 1-9-98, or 23-9-98 as alleged by the management. According to the workman, he was not allowed to work w.e.f. 1-9-98. This submission finds corroboration from the letter dated 14-8-98 of Brig. V. P. Singh who directed that the employment of CL/CLTS will cease w.e.f. 1-9-98. Nothing is shown that this order was not complied by the Military Farm. Also, there is no evidence to show that the workman was permitted to work or after 1-9-98 upto 23-9-98, his attendance on or after 1-9-98 was not on muster roll and payment of his wages made upto 23-9-98. It is noticeable that the industrial dispute was raised on 3-9-98 before ALC (C), and hearing was held on 18-9-98. The management participated in the hearing on 18-9-98. How could hearing in the dispute could have been before 23-9-98, if termination was made on 1-9-98. The retrenchment order No. E-4/TS/DL/F-2 dated 23-9-98, office memos dated 22-9-98 and 24-9-98 showing non reporting to receive payment, were prepared subsequently, to remove legal defects. Had it not been so, the workman should have been paid 23 days wages i.e. from 1-9-98 to 23-9-98 by the said cheque. This retrenchment order does not mention inclusion of 23 days wages. This order directs workman to collect his compensation from the office. Two office memos dated 22-9-98 and 23-9-98 are filed which mention that the workman did not report to collect the cheque. No document is filed to show that the workman, was given notice to collect his cheque, one day in advance of 23-9-98 i.e. on 22-9-98. The case of the management can not be believed that the services of the workman were terminated w.e.f. 23-9-98 or substantial compliance of section 25-F I.D. Act, 1947 was made. The workman, in fact, was disengaged w.e.f. 1-9-98 as per direction of Brig. V. P. Singh dated 14-8-98. It is also established that compliance of section 25-F of the I.D. Act, 1947 was not made rendering oral termination *void-ab-initio*.

10. The management has admitted that Shri Ram had already acquired temporary status as per office memo No. 4912/2/86-Estt. C dated 7-6-88 and O.M. No. 51016/2/90-Estt. C Govt. of India, Ministry of Personal, P.G. and Pension, Department of Personal and Training, New Delhi dated 10-9-93. Policy decisions through these documents, rationalized working of the casual workers particularly the matter of their wages and future regularisation. These circulars provide for creation of additional regular posts, if necessary, in concurrence with the Ministry of Finance. The appended scheme with O.M. dated 10-9-93 provide conferment of 'temporary status' without reference to creation/availability of group 'D' posts. This also provides that workers with temporary status, may be deployed any where within the recruitment unit/territorial circle on the basis of availability of work. These circulars also provide that after rendering 3 years continuous service after conferment of temporary status, such casual labourers were required to contribute to the General Provident Fund. Such

workers were also eligible for grant of festival advance, flood advance etc. on the same conditions as were applicable to temporary group 'D' employees. Paras 8 & 9 of this circular provide for regularisation of such casual workers with temporary status. The workman was entitled to all the above said privileges and benefits.

11. Admittedly, Sri Ram was a casual labour with temporary status and was eligible to be regularised. The management did not submit any record to show non availability of regular vacancies justifying its action in not regularising him as was directed by Brig. V. P. Singh in his letter dated 14-8-98. Thus, the action of the management can not be justified in terminating services of Shri Ram. Also, compliance of section 25-F of the I.D. Act, is not shown and his discontinuation from service is void-ab-initio.

12. As such, the reference is adjudicated in favour of the workman, Shri Ram. He is entitled to reinstatement with full back wages.

13. Award as above.

Lucknow RUDRESH KUMAR, Presiding Officer
27-12-2002.

नई दिल्ली, 3 जनवरी, 2003

का. आ. 339.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार मिलिट्री डेयरी फार्म के प्रबंधन के सम्बद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, लखनऊ के पंचाट (संदर्भ संख्या 150/2000) को प्रकाशित करती है, जो केन्द्रीय सरकार को 3-1-2003 को प्राप्त हुआ था।

[सं. एल-14012/39/99-आई.आर.(डी.यू.)]
कुलदीप राय वर्मा, डेस्क अधिकारी

New Delhi, the 3rd January, 2003

S.O. 339.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 150/2000) of the Central Government Industrial Tribunal/Labour Court, Lucknow now as shown in the annexure in the Industrial Dispute between the employers in relation to the Management of Military Dairy Farm and their workman, which was received by the Central Government on 3-1-2003.

[No. L-14012/39/99-IR(D.U.)]

KULDIPRAI VERMA, Desk Officer

ANNEXURE

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-
CUM-LABOUR COURT, LUCKNOW

PRESENT:

RUDRESH KUMAR,
Presiding Officer

I.D. No. 150/2000 (Kanpur No. 244/99)

Ref. No. L-14012/39/99/IR (DU) dated 3-8-1999

Between

Jai Kant, C/o B.M.S. 32, Chakrata Road,
Dehradun

And

The Officer Incharge, Military Dairy Farm,
Dehradun

AWARD

By order No. L-14012/39/99/IR (DU) dated 3-8-1999, the Central Government in the Ministry of Labour, in exercise of powers conferred by clause (d) of sub section (I) and section 2(A) of Section 10 of the I.D. Act, 1947 (14 of 1947) referred this industrial dispute between Jai Kant, C/o B.M.S., 32, Chakrata Road, Dehradun and the Officer Incharge, Military Dairy Farm, Dehradun, for adjudication to CGIT-cum-Labour Court, Kanpur. Later, vide order No. Z-13011/1/97-CLS-II dated 21-8-2000, this case was transferred to this tribunal.

The reference under adjudication is as under :

“Whether the action of the Management of Military Dairy Farm, Dehradun in terminating the services of Jai Kant Ex-Temp. status Casual Labour is legal and justified ? If not, to what relief the workman is entitled ?”

2. Facts are : that the workman Jai Kant, was engaged in the Military Dairy Farm, Dehradun, as a Casual labour in the month Nov. 1987. He continuously worked since then upto 31-8-98. In each year of his association with Military Dairy Farm as casual labour, he worked 240 days and more, and had been in ‘continuous service’ as defined under section 25-B of the I.D. Act, 1947. He was engaged in regular nature of work. His services were illegally dispensed with w.e.f. 1-9-98, without any notice, notice pay and retrenchment compensation etc. as provided under section 25-F of the said Act. It is also alleged that junior workers were retained in preference to him, ignoring legal policy of ‘first come last go’. He was entitled to regularisation as per policy of the Government. The action of the management in terminated him without observing rule of natural justice, is *void-ab-initio* and he entitled to reinstatement with back wages.

3. It is averred in the statement of claim that aggrieved by illegal retrenchment, he raised this industrial dispute on 3-9-98 before Asstt. Labour Commissioner(C), Dehradun, who issued notice to the Officer Incharge. In compliance of the notice, the management of Military Dairy Farm appeared before the Asstt. Labour Commissioner(C), on 18-9-98 for conciliation as provided under section 12 of the I.D. Act, 1947. However, settlement could not be reached and so the present reference for adjudication.

4. The Military Dairy Farm, Dehradun through Capt. D.S. Rathore, Officer Incharge, contested the claim of the workman and filed written statement. A preliminary objection has been raised, stating that correct name of the opposite party is ‘Military Farm’ and not ‘Military Dairy Farm’ and so, the reference is incorrect, liable to be returned without any adjudication. Some other preliminary objections have also been raised, that the Military Farm is not an ‘industry’, Jai Kant is not a ‘workman’, as defined under 2(s) of the I.D. Act, 1947 and further, there is no industrial dispute to be resolved. The workman is not entitled to raise this dispute in personal capacity, as this dispute could be raised only by the representative union. The management has assailed the claim on merit, stating that Jai Kant used to be engaged in seasonal nature of works. It is stated that on mechanization of the Military Farms, need of manpower got reduced and so, decision was taken to reduce casual labourers, after regularising those eligible. Junior workmen were retrenched by giving notice pay and compensation etc. Jai Kant was disengaged on 23-9-98 with notice to collect his compensation from the office. He preferred not to attend office for collecting his cheque. Since he was surplus, his service were terminated. However, he is retained in the register and shall be offered employment in future on availability of works

5. A copy of letter No. A/88043/PE/Q/MF-4 (GEN) dated 24th August, 1998 from V.P. Singh, Brig., DDG, MF is filed by the management in support of the case. This letter mentions that a commitment has been made in presentation to COAS on 13-8-98 to reduce manpower by 1-9-98. In light of the said commitment, actions were advised in the side letter, to cease employment of CL/CLTS w.e.f. 1-9-98 after regularizing services of CLTS/CL to fill up vacancies as per revised PE and further, to provide temporary employment on job basis for seasonal nature of works. Taking of attendance in muster roll was also prohibited. The officer incharges were also made accountable for recovery and disciplinary action, in case any CL employed after 1-9-98.

6. The management has admitted engagement of the workman as casual labourer and grant of temporary status on him. There are general denial of facts recited in the claim but documents have not been submitted to assail contentions of the workman. It is pleaded that he was surplus and so, was retrenched though his name retained in the list of workman, to be called for service of workman. According to management the workman was directed to collect his compensation on 22-9-98 from the office, but he preferred not to collect his cheque. Accordingly his services were terminated on 23-9-98, treating substantial compliance of section 25-F I.D. Act, 1947. Furthermore, his cheque was sent by registered post on 24-9-98 which was not acknowledged.

7. Before advertting to discuss merit of the case, it seems appropriate to take up preliminary objections. First

plea of the management that 'Military Farm' has been wrongly noted as 'Military Dairy Farm' and so, the reference is incompetent and defective, is misconceived. Military Farm is generally called Military Dairy Farm and a workman, being illiterate, may commit such mistake. 'Military Farm' and 'Military Dairy Farm' are not two distinct units to cause confusion to the management. The management has filed written statement treating it to be Military Farm and also appeared in conciliation proceeding before ALC (C). Nothing is shown that any such objection was taken before the ALC (C) prior to submission of the Failure Report which formed basis of the present reference. In the said background, this plea is too technical and with no legal significance, as prejudice not caused to the management.

8. The plea that the Military Farm is not an 'industry' is also misconceived. The aim and object of the Dairy Farm, is, to supply milk and other products to the soldiers, ex-soldiers and their family members etc. on payment, may be without profit motive. The nature of activities are commercial. The management has admitted its function being 'quasi commercial' in reply to notice from the ALC (C). The Military Farms do not discharge sovereign functions of state. Thus, the Military Farm Dehradun, is an 'industry' under the I.D. Act, 1947. The provisions of the I.D. Act, 1947 are applicable particularly in the matter of the casual labourers engaged by the Military Farm. The supporting evidence relied by the management also prove application of the I.D. Act, 1947. The O.M. No. 4914/2/86-Estt. Dated 7-6-88, formulated scheme for regularisation and grant of temporary status to the casual labourers is in conformity with the provisions of the I.D. Act, 1947. The management did not produced rules or orders showing exclusion of the I.D. Act, 1947. Thus, Jai Kant being workman was entitled to raise this dispute. Also, this Tribunal has jurisdiction to adjudicate the reference raised by him in individual capacity, under section 2-A of the I.D. Act, 1947, impugning his termination.

9. On merit, firstly : it is to be determined whether termination was affected, w.e.f. 1-9-98, or 23-9-98 as alleged by the management. According to the workman, he was not allowed to work w.e.f. 1-9-98. This submission find corroboration from the letter dated 14-8-98 of Brig. V. P. Singh who directed that the employment of CL/CLTS will cease w.e.f. 1-9-98. Nothing is shown that this order was not complied by the Military Farm. Also, there is no evidence to show that the workman was permitted to work or after 1-9-98 upto 23-9-98. His attendance on or after 1-9-98 was not noted muster roll and payment of his wages upto 23-9-98 are not shown by placing documents. It is noticeable that the industrial dispute was raised on 3-9-98 before ALC (C), and hearing was held on 18-9-98. The management participated in the hearing on 18-9-98. How could hearing in the dispute could have been before 23-9-98, if termination was made on 1-9-98. The

retrenchment order No. E-4/TS/DL/F-2 dated 23-9-98, office memos dated 22-9-98 and 24-9-98 showing non appearance to receive payment, were prepared subsequently, to remove legal defects. Had it not been so, the workman should have been paid 23 days wages i.e. from 1-9-98 to 23-9-98 by the said cheque. The retrenchment order does not mention inclusion of 23 days wages. This order directs workman to collect his compensation from the office. Two office memos dated 22-9-98 and 23-9-98 are filed which mention that the workman did not report to collect the cheque. No document is filed to show that the workman, was given notice to collect his cheque, one day in advance of 23-9-98 i.e. on 22-9-98. The case of the management can not be believed that the services of the workman were terminated w.e.f. 23-9-98 or there was substantial compliance of section 25-F I.D. Act, 1947. The workman, infact, was disengaged w.e.f. 1-9-98 as per direction of Brig. V. P. Singh dated 14-8-98. It is also established that compliance of section 25-F of the I.D. Act, 1947 was not made rendering his oral termination *void-ab-initio*.

10. The management has admitted that Jai Kant had already acquired temporary status as per office memo No. 4912/2/86-Estt. dated 7-6-88 and O.M. No. 51016/2/90-Estt. © Govt. of India. Ministry of Personal, P.G. and Pension, Department of Personal and Training, New Delhi dated 10-9-93. Policy decisions through these documents, rationalised working of the casual workers particularly the matter of their wages and future regularisation. These circulars provide for creation of additional regular posts, if necessary, in concurrence with the Ministry of Finance. The appended scheme with O.M. dated 10-9-93 provide conferment of 'temporary status' without reference to creation/availability of group 'D' posts. This also provides that workers with temporary status, may be deployed within the recruitment unit/territorial circle on the basis of availability of work. These circulars also provide that after rendering 3 years continuous service after conferment of temporary status, such casual labourers were required to contribute to the General Provident Fund. Such workers were also eligible for grant of festival advance, flood advance etc. on the same conditions as were applicable to temporary group 'D' employees. Para 8 & 9 of this circular provide for regularisation of such casual workers with temporary status. Jai Kant was entitled to all the above said privileges and benefits.

11. Admittedly, Jai Kant was a casual labourer with temporary status and was eligible to be regularised. The management did not submit any record to show non availability of regular vacancies justifying its action in not regularising him as was directed by Brig. V.P. Singh in his letter dated 14-8-98. Thus, the action of the management can not be justified in terminating services of Jai Kant. Also, compliance of section 25-F of the I.D. Act, is not made rendering discontinuation of the workman from service is *void-ab-initio*.

12. As such, the reference is adjudicated in favour of the workman, Jai Kant. He is entitled to reinstatement with full back wages.

14. Award as above.

Lucknow RUDRESH KUMAR, Presiding Officer
27-12-2002.

नई दिल्ली, 3 जनवरी, 2003

का. आ. 340.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार मिलिट्री डेयरी फार्म के प्रबंधन के सम्बद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, लखनऊ के पंचाट (संदर्भ संख्या 148/2000) को प्रकाशित करती है, जो केन्द्रीय सरकार को 3-1-2003 को प्राप्त हुआ था।

[सं. एल-14012/36/99-आई आर (डी यू)]
कुलदीप राय वर्मा, डैस्क अधिकारी

New Delhi, the 3rd January, 2003

S.O. 340.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 148/2000) of the Central Government Industrial Tribunal/Labour Court Lucknow now as shown in the annexure in the Industrial Dispute between the employers in relation to the Management of Military Dairy Farm and their workman, which was received by the Central Government on 3-1-2003.

[No. L-14012/36/99-I.R. (DU)]

KULDIP RAI VERMA, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT
LUCKNOW

PRESENT:

RUDRESH KUMAR
Presiding Officer

I.D. No. 148/2000 (Kanpur No. 242/99)

Ref. No. L-14012/36/99/IR (DU) dated 3-8-1999

Between

Satya Narayan, C/o B.M.S. 32, Chakrata Road,
Dehradun

And

The Officer Incharge, Military Dairy Farm,
Dehradun

AWARD

By order No. L-14012/36/99/IR (DU) dated 3-8-1999,
the Central Government in the Ministry of Labour, in
exercise of powers conferred by clause (d) of Sub section

(1) and Section 2(A) of Section 10 of the I.D. Act, 1947 (14 of 1947) referred this industrial dispute between Satya Narayan, C/o B.M.S., 32, Chakrata Road, Dehradun and the Officer Incharge, Military Dairy Farm, Dehradun, for adjudication to CGIT-cum-Labour Court, Kanpur. Later, vide order No. Z-13011/1/97-CLS-II dated 21-8-2000, this case was transferred to this tribunal.

The reference under adjudication is as under:

“Whether the action of the Management of Dairy Farm, Dehradun in terminating the services of Satya Narayan Ex-temp. status Casual Labour is legal and justified? If not, to what relief the workman is entitled?”

2. Facts are: that the workman Satya Narayan, was engaged in the Military Dairy Farm, Dehradun, as a Casual labour w.e.f. 1-4-87. He continuously worked since then upto 31-8-98. In each year of his association with Military Dairy Farm as casual labour, he worked 240 days and more, and had been in ‘continuous service’ as defined under section 25-B of the I.D. Act, 1947. He was engaged in regular nature of work. His services were illegally dispensed with w.e.f. 1-9-98, without any notice, notice pay and retrenchment compensation etc. as provided under section 25-F of the said Act. It is also alleged that junior workers were retained in preference to him, ignoring legal policy of ‘first come last go’. He was entitled to regularisation as per policy of the Government. The action of the management in terminating him without observing rule of natural justice, is *void ab initio* and he is entitled to reinstatement with back wages.

3. It is averred in the statement of claim that aggrieved by illegal retrenchment, he raised this industrial dispute on 3-9-98 before Asstt. Labour Commissioner (I), Dehradun, who issued notice to the Officer Incharge. In compliance of the notice, the management of Military Dairy Farm appeared on 18-9-98 for conciliation as provided under section 12 of the I.D. Act, 1947. However, settlement could not be reached and so the present reference for adjudication.

4. The Military Dairy Farm, Dehradun through Capt. D.S. Rathore, Officer Incharge, contested the claim of the workman and filed written statement. A preliminary objection is raised, stating that correct name of the opposite party is ‘Military Farm’ and not Military Dairy Farm and so, the reference is incorrect, liable to be returned without any adjudication. Some other preliminary objections have also been raised, that the Military Farm is not an ‘industry’, Satya Narayan is not a ‘workman’, as defined under 2(s) of the I.D. Act, 1947 and further, there is no industrial dispute to be resolved. The workman is not entitled to raise this dispute in personal capacity, as this dispute could be raised only by the representative union. The management has assailed the claim on merit, stating that Satya Narayan used to be engaged in seasonal nature of works. It is stated that

on mechanization of the Military Farms, need of man power got reduced and so, decision was taken to reduce casual labourers, after regularising those eligible. Junior workmen were retrenched by giving notice pay and compensation etc. Satya Narayan was disengaged on 23-9-98 with notice to collect his compensation from the office. He preferred not to attend office for collecting his cheque. Since he was surplus, his services were terminated. However, he is retained in the register to be offered employment in future on availability of works.

5. A copy of letter No. A/88043/PE/Q/MF-4 (GEN) dated 24th August, 1998 from V.P. Singh, Brig., DDG, MF is filed by the management in support of the case. This letter mentions that a commitment has been made in presentation to COAS on 13-8-98 to reduce manpower by 01-9-98. In light of the said commitment, some actions were advised in the said letter, to cease employment of CL/CLTS w.e.f. 1-9-98 after regularizing services of CLTS/CL to fill up vacancies as per revised PE and further, to provide temporary employment on job basis for seasonal nature of works. Taking of attendance in muster roll was also prohibited. The officer incharge was also made accountable for recovery and disciplinary action, in case any CL employed after 1-9-98.

6. The management has admitted engagement of the workman as casual labourer and grant of temporary status on him. There are general denial of facts recited in the claim but documents have not been submitted to assail contentions of the workman. It is pleaded that he was surplus and so, was retrenched though his name retained in the list of workman, to be called for service of workman. According to management the workman was directed to collect his compensation on 22-9-98 from the office, but he preferred not to collect his cheque. Accordingly his services were terminated on 23-9-98, treating substantial compliance of section 25-F I.D. Act, 1947. Furthermore, his cheque was sent by registered post on 24-9-98 which was not acknowledged.

7. Before adverting to discuss merit of the case, it seems appropriate to take up preliminary objections. First plea of the management that 'Military Farm' has been wrongly noted as 'Military Dairy Farm' and so, the reference is incompetent and defective, is misconceived. Military Farm is generally called Military Dairy Farm and a workman, being illiterate, may commit such mistake. 'Military Farm' and 'Military Dairy Farm' are not two distinct units to cause confusion to the management. The management has filed written statement treating it to be Military Farm and also appeared in conciliation proceeding before ALC (C). Nothing is shown that any such objection was taken before the ALC (C) prior to submission of the Failure Report which formed basis of the present reference. In the said background, this plea is too technical and with no legal significance, as prejudice not caused to the management.

8. The plea that the Military Farm is not an 'industry' is also misconceived. The aim and object of the Dairy Farm, is, to supply milk and other products to the soldiers, ex-soldiers and their family members etc. on payment, may be without profit motive. The nature of activities are commercial. The management has admitted its function being 'quasi commercial' in reply to notice from the ALC (C). The Military Farm do not discharge sovereign functions of state. Thus, the Military Farm, Dehradun, is an 'industry' under the I.D. Act, 1947. The provisions of the I.D. Act, 1947 are applicable particularly in the matter of the casual labourers engaged by the Military Farm. The supporting evidence relied by the management also prove application of the I.D. Act, 1947. The O.M. No. 4914/2/86-Estt. Dated 7-6-88, formulated scheme for regularisation and grant of temporary status to the casual labourers is in conformity with the provisions of the I.D. Act, 1947. The management did not produced rules or orders showing exclusion of the I.D. Act, 1947. Thus, Satya Narayan being workman was entitled to raise this dispute. Also, this Tribunal has jurisdiction to adjudicate the reference raised by him in individual capacity, under section 2-A of the I.D. Act, 1947, impugning his termination.

9. On merit, firstly, it is to be determined whether termination was affected, w.e.f. 1-9-98, or 23-9-98 as alleged by the management. According to the workman, he was not allowed to work w.e.f. 1-9-98. This submission find corroboration from the letter dated 14-8-98 of Brig. V.P. Singh who directed that the employment of CL/CLTS will cease w.e.f. 1-9-98. Nothing is shown that this order was not complied by the Military Farm. Also, there is no evidence to show that the workman was permitted to work or after 1-9-98 upto 23-9-98. his attendance on or after 1-9-98 was not noted in muster roll and payment of his wages made upto 23-9-98. It is noticeable that the industrial dispute was raised on 3-9-98 before ALC (C), and hearing was held on 18-9-98. The management participated in the hearing on 18-9-98. How could hearing in the dispute could have been before 23-9-98, if termination was made on 1-9-98. The retrenchment order No. E-4/TS/DL/F-2 dated 23-9-98, office memos dated 22-9-98 and 24-9-98 showing non-appearance to receive payment, were prepared subsequently, to remove legal defects. Had it not been so, the workman should have been paid 23 days wages i.e. from 1-9-98 to 23-9-98 by the said cheque. The retrenchment order does not mention inclusion of 23 days wages. This order directs workman to collect his compensation from the office. Two office memos dated 22-9-98 and 23-9-98 are filed which mention that the workman did not report to collect his cheque. No document is filed to show that the workman, was given notice to collect his cheque, one day in advance of 23-9-98 i.e. on 22-9-98. The case of the management can not be believed that the services of the workman were terminated w.e.f. 23-9-98 or there was substantial compliance of section 25-F I.D. Act.

1947. The workman, in fact, was disengaged w.e.f. 1-9-98 as per direction of Brig. V. P. Singh dated 14-8-98. It is also established that compliance of section 25-F of the I.D. Act, 1947 was not made rendering his oral termination *void ab initio*.

10. The management has admitted that Satya Narayan had already acquired temporary status as per office memo No. 4912/2/86-Estt© dated 7-6-88 and O.M. No. 51016/2/90-Estt.© Govt. of India, Ministry of Personal, P.G. and Pension, Department of Personnel and Training, New Delhi dated 10-9-93. Policy decisions through these documents, rationalised working of the casual workers particularly the matter of their wages and future regularisation. These circulars provide for creation of additional regular posts, if necessary, in concurrence with the Ministry of Finance. The appended scheme with O.M. dated 10-9-93 provides conferment of 'temporary status' without reference to creation/availability of group 'D' posts. This also provides that workers with temporary status, may be deployed within the recruitment unit/territorial circle on the basis of availability of work. These circulars also provide that after rendering 3 years continuous service after conferment of temporary status, such casual labourers were required to contribute to the General Provident Fund. Such workers were also eligible for grant of festival advance, flood advance etc. on the same conditions as were applicable to temporary group 'D' employees. Para 8 & 9 of this circular provide for regularisation of such casual workers with temporary status. The workman was entitled to all the above said privileges and benefits.

11. Admittedly, Satya Narayan was a casual labour with temporary status and was eligible to be regularised. The management did not submit any record to show non availability of regular vacancies justifying its action in not regularising him as was directed by Brig. V.P. Singh in his letter dated 14-8-98. Thus, the action of the management can not be justified in terminating services of Satya Narayan. Also, compliance of section 25-F of the I.D. Act, is not shown and his discontinuation from service is *void ab initio*.

12. As such, the reference is adjudicated in favour of the workman, Satya Narayan. He is entitled to reinstatement with full back wages.

13. Award as above.

Lucknow RUDRESH KUMAR, Presiding Officer
27-12-2002.

नई दिल्ली, 3 जनवरी, 2003

का. आ. 341.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार मिलिट्री डेयरी फार्म के प्रबंधन के सम्बद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक

अधिकरण लखनऊ के पंचाट (संदर्भ संख्या 120/2000) को प्रकाशित करती है, जो केन्द्रीय सरकार को 3-1-2003 को प्राप्त हुआ था।

[फा. सं. एल-14012/104/99-आई आर (डी यू)]
कुलदीप राय वर्मा, डेस्क अधिकारी

New Delhi, the 3rd January, 2003

S.O. 341.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 120/2000) of the Central Government Industrial Tribunal/Labour Court Lucknow now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Military Dairy Farm and their workman, which was received by the Central Government on 3-1-2003.

[F. No. L-14012/104/99-I.R. (DU)]

KULDIP RAI VERMA, Desk Officer

ANNEXURE

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-
CUM-LABOUR COURT, LUCKNOW

PRESENT

RUDRESH KUMAR,
presiding officer

I.D. No. 120/2000 (Kanpur No. 98/99)

Ref. No. L-14012/104/99/IR(DU) dated 22-4-1999

BETWEEN

Madan Pal, C/o B.M.S. 32, Chakrata Road.

Dehradun

AND

The Officer, Incharge, Military Dairy Farm,

Dehradun

AWARD

By order No. L-14012/104/99/IR(DU) dated 22-4-1999, the Central Government in the Ministry of Labour, in exercise of powers conferred by clause (d) of Sub-section (1) and Section 2(A) of Section 10 of the I.D. Act, 1947 (14 of 1947) referred this industrial dispute between Madan Pal, C/o B.M.S., 32, Chakrata Road, Dehradun and the Officer Incharge, Military Dairy Farm, Dehradun, for adjudication to CGIT-cum-Labour Court, Kanpur. Later vide order No. Z-13011/1/97-CLS-II dated 21-8-2000, this case was transferred to this tribunal. The reference under adjudication is as under :

"Whether the action of the Management of Dairy Farm, Dehradun in terminating the services of Madan Pal Ex-Casual Labour is legal and justified? If not, to what relief the workman is entitled?"

2. Facts are : that the workman, Madan Pal, was engaged in the Military Dairy Farm, Dehradun as a Casual labourer w.e.f. 2-4-86. He continuously worked since then upto 31-8-98. In each year of his association with Military

Dairy Farm as casual labourer, he worked 240 days and more, and thus, was in 'continuous service' as defined under section 25-B of the I.D. Act, 1947. He was engaged in regular nature of work. His services were illegally dispensed with w.e.f. 1-9-98, without any notice, notice pay and retrenchment compensation etc as provided under section 25-F of the said Act. It is also alleged that junior workers were retained in preference to the workman and policy of first come, last go. He was entitled to regularisation as per policy of the Government, the management in terminating his services without observing prescribed procedures, rendering the termination order void-ab-initio. Relief of reinstatement with back wages has been claimed.

3. Aggrieved by his illegal termination, the workman raised industrial dispute on 3-9-98 before Asstt. Labour Commissioner (C), Dehradun, who issued notice to the management, and in compliance of notice, the management of Military Dairy Farm appeared for conciliation as provided under section 12 of the I.D. Act, 1947. However, settlement could not be reached and so, the present reference for adjudication.

4. The Military Dairy Farm, Dehradun through Capt. D.S. Rathore, Officer Incharge, contested the claim of the workman and filed written statement. A preliminary objection is raised stating that correct name of the opposite party is 'Military Farm' and not Military Dairy Farm and so, the reference is incorrect and can not be adjudicated. Some other preliminary objections have also been raised, that the Military Farm is not an 'industry', Madan Pal is not a 'workman', as defined under 2(s) of the I.D. Act, 1947 and further, there is no industrial dispute to be resolved. The workman is not legally entitled to raise this dispute in personal capacity, as this dispute could be raised only by the representative union. The management has assailed the claim on merit also, stating that the work against which Madan Pal was engaged was of seasonal nature. On mechanization of the Military Farms, need of man power reduced and so, retrenchment of casual labourers became necessary. Only juniors amongst the workmen were retrenched by appropriate notice to collect compensation etc. as provided under law. Madan Pal was disengaged on 23-9-98 and not on 1-9-98 as claimed by him. He opted not to collect his cheque of compensation etc. from the office and also refused to acknowledge postal delivery. Thus there was substantial compliance of section 25-F of the I.D. Act. The workman was surplus and his services were terminated, retaining his name in the register to be called in future for duties subject to availability of work.

5. A copy of letter No. A/88043/PE/Q/MF-4 (GEN) dated 24th August, 1998 from V. P. Singh, Brig, DDG, MF is filed by the management in support of the case. This letter mentions that a commitment has been made in presentation to COAS on 13-8-98 to reduce manpower by 1-9-98. In light of the said commitment, some actions were advised in the said letter, to cease employment of CL/CLTS w.e.f. 1-9-98

after regularising services of CLTS/CL to fill up vacancies as per revised PE and further, in future to provide temporary employment on job basis for seasonal nature of work. Taking of attendance in muster roll was also prohibited. The officer incharge were made liable for recovery and disciplinary action, in case any CL employed after 1-9-98.

6. The management has not disputed engagement of the workman as casual labourer w.e.f. 2-4-86 or his uninterrupted working upto 31-8-98. Also, specific denial has not been made assailing claim of the workman that he served 240 days or more in each year of his service. There is general denial of the claim without supporting documents. It is pleaded that the workman was surplus and so, was retrenched. However, he is retained in the list of workmen to be called for service in future on availability of work. Admittedly, retrenchment notice was not given before disengaging him instead he was directed to collect his compensation on 22-9-98, treating substantial compliance of section 25-F I.D. Act, 1947. Furthermore, his cheque sent by registered post on 24-9-98, was not acknowledged.

7. Before advertent to discuss merit of the case, it seems appropriate to take up preliminary objections. The plea of the management that 'Military Farm' has been wrongly noted as 'Military Dairy Farm' and so, the reference is incompetent and defective, is misconceived. Military Farm is generally called Military Dairy Farm and a workman, being illiterate, may commit such mistake. 'Military Farm' and 'Military Dairy Farm' are not two distinct units to cause confusion to the management. The management has filed written statement treating it to be Military Farm and also, appeared in conciliation proceeding before ALC (C). Nothing is shown that any such objection was taken before the ALC (C) prior to submission of the Failure Report, which formed basis of the present reference. In the said background, this plea is highly technical and with no legal significance, causing no prejudice to the management and is, thus, rejected.

8. The plea that the Military Farm is not an 'industry' is also misconceived. The aim and object of the Dairy Farm is to supply milk and other products to the soldiers, ex-soldiers and their family members etc. on payment, may be without profit motive. The nature of activities are commercial. The management has admitted its function being 'quasi commercial' before the ALC (C) in reply to notice. The Military Farms do not discharge sovereign functions of state. Thus, the Military Farm, Dehradun is an 'industry' under the I.D. Act, 1947. The provisions of the I.D. Act, 1947 are applicable in the service matters of the casual labourers, in absence of rules/order to show non application of the provisions of the said Act. The O.M. No. 4914/2/86-Estt. Dated 7-6-88, formulated scheme for regularisation and grant of temporary status to the casual labourers which are in conformity with the provisions of the I.D. Act, 1947. Thus, Madan Pal is a workman, entitled to raise this dispute. Also, this Tribunal has jurisdiction to

adjudicate the reference raised by Madan Pal in individual capacity, under section 2-A of the I.D. Act, 1947, impugning his termination. He is not under legal obligation to approach through the union.

9. On merit, firstly : it is to be determined whether termination was affected, w.e.f. 1-9-98, or 23-9-98 as alleged by the management. According to the workman, he was not allowed to work w.e.f. 1-9-98. This submission finds corroboration from the letter dated 14-8-98 of Brig. V. P. Singh who directed that the employment of CL/CLTS will cease w.e.f. 1-9-98. Nothing is shown that this order was not complied by the Military Farm. Also, there is no evidence to show that the workman was permitted to work or after 1-9-98 upto 23-9-98, his attendance on or after 1-9-98 was taken on muster roll and payment of his wages upto 23-9-98 were made. It is noticeable that the industrial dispute was raised on 3-9-98 before ALC (C), and hearing was held on 18-9-98. The management participated in the hearing on 18-9-98 i.e. much before 23-9-98. It shows that termination was made before 23-9-98 and definitely on 1-9-98. The retrenchment order No. E-4/TS/DL/F-2 dated 23-9-98, office memos, cheque showing retrenchment compensation etc. appear to have been prepared subsequently, to remove legal defects. Had it not been so, the wages for 23 days i.e. from 1-9-98 to 23-9-98 should have been shown in the cheque. The retrenchment order does not mention inclusion of 23 days wages. Two office memos dated 22-9-98 and 23-9-98 are filed which mention that the workman did not report in the office to collect his cheque. These documents are office reports. No document is filed to show that the workman had notice to collect his cheque on 22-9-98 i.e. one day in advance of 23-9-98. The case of the management can not be believed that termination was made on 23-9-98 or there was substantial compliance of section 25-F I.D. Act, 1947. The workman, in fact, was terminated w.e.f. 1-9-98 as per direction of Brig. V. P. Singh dated 14-8-98. It is also established that compliance of section 25-F of the I.D. Act, 1947 was not made rendering the termination *void-ab-initio*.

10. The management has admitted that Madan Pal was not entitled to temporary status as per office memo No. 4912/2/86-Estt. dated 7-6-88 and O.M. No. 51016/2/90-Estt. Govt. of India, Ministry of Personal, P.G. and Pension, Department of Personal and Training, New Delhi dated 10-9-93. Policy decisions through these documents, rationalized working of the casual workers in the matter of their wages and future regularisation. It provided for creation of additional regular posts, if necessary, in concurrence with the Ministry of Finance. The appended scheme with O.M. dated 10-9-93 provides conferment of 'temporary status' without reference to creation/availability of group 'D' posts. This also provides that workers with temporary status, may be deployed any where within the recruitment unit/territorial circle on the basis of availability of work. These circulars also provide that after rendering

3 years continuous service after conferment of temporary status, such casual labourers were required to contribute to the General Provident Fund. Such workers were also eligible for grant of festival advance, flood advance etc. on the same conditions as were applicable to temporary group 'D' employees. Paras 8 & 9 of this circular provide for regularisation of such casual workers with temporary status. The workman rendered continuous service for 12 years and thus was entitled to temporary status will not defeat his cause.

11. The submission of the management that there was no work to engage the workman can not be accepted in face of averments in letter dated 14-8-98 of Brig. V.P. Singh, where by it was directed to provide temporary employment on job basis and not to obtain signature on muster roll. It implies availability of work. Even if there was seasonal works, the workman had preferential claim. No such order to give preference to the retrenched workmen has been filed. The action of the management is thus, unjustified.

12. Admittedly, Madan Pal was a casual labour and fulfilled eligible criteria to be regularised. The management did not submit any record to show non availability of regular vacancies or absorption of the casual labourers with temporary status, or otherwise as was directed by Brig. V.P. Singh in his letter dated 14-8-98. Thus, the action of the management can not be justified in terminating services of the workman, on plea of surplusage without following statutory procedures and observing provisions of section 25-F of the I.D. Act, 1947.

13. As such, the reference is adjudicated in favour of the workman Madan Pal. His termination is *void-ab-initio* and, he is entitled to reinstatement with full back wages.

14. Award as above.

Lucknow
27-12-2002

RUDRESH KUMAR, Presiding Officer

नई दिल्ली, 3 जनवरी, 2003

का. आ. 342.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार मिलिट्री डेयरी फार्म के प्रबंधन के सम्बद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, लखनऊ के पंचाट (संदर्भ संख्या 149/2000) को प्रकाशित करती है, जो केन्द्रीय सरकार को 3-1-2003 को प्राप्त हुआ था।

[सं. एल-14012/32/99-आई आर (डी यू)]

कुलदीप राय वर्मा, डैस्क अधिकारी

New Delhi, the 3rd January, 2003

S.O. 342.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central

Government hereby publishes the award (Ref. No. 149/2000) of the Central Government Industrial Tribunal/Labour Court, Lucknow now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Military Dairy Farm and their workman, which was received by the Central Government on 3-1-2003.

[No. L-14012/32/99-IR (DU)]

KULDIP RAI VERMA, Desk Officer

ANNEXURE

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-
CUM-LABOUR COURT, LUCKNOW

PRESENT

RUDRESH KUMAR, presiding officer

I.D. No. 149/2000 (Kanpur No. 243/99)

Ref. No. L-14012/37/99/IR(DU) dated 3-8-1999

BETWEEN

Ram Narayan, C/o B.M.S. 32, Chakrata Road,

Dehradun

AND

The Officer, Incharge, Military Dairy Farm,

Dehradun

AWARD

By order No. L-14012/32/99/IR(DU) dated 3-8-1999, The Central Government in the Ministry of Labour, in exercise of powers conferred by clause (d) of Sub-section (1) and section 2(A) of section 10 of the I.D. Act, 1947 (14 of 1947) referred this industrial dispute between Ram Narayan, C/o B.M.S. 32, Chakrata Road, Dehradun and the Officer Incharge, Military Dairy Farm, Dehradun, for adjudication to CGIT-cum-Labour Court, Kanpur. Later, vide order No. Z-13011/1/97-CLS-II dated 21-8-2000, this case was transferred to this tribunal. The reference under adjudication is as under :

"Whether the action of the Management of Dairy Farm, Dehradun in terminating the services of Ram Narayan Ex-Temp. Status Casual Labour is legal and justified ? If not, to what relief the workman is entitled ?"

2. Facts are that the workman, Ram Narayan, was engaged in the Military Dairy Farm, Dehradun as a casual labour w.e.f. 12-1-88. He continuously worked since then upto 31-8-98. In each year of his association with Military Dairy Farm as casual labour, he worked 240 days and more, and so had been in 'continuous service' as defined under section 25-B of the I.D. Act, 1947. He was engaged in regular nature of work. His service were illegally dispensed with w.e.f. 1-9-98, without any notice, notice pay and

retrenchment compensation etc. as provided under section 25-F of the said Act. It is also alleged that junior workers were retained in preference to him, ignoring legal policy of first come, last go. He was entitled to regularisation as per policy direction of the Government. The action of the management in terminating him without observing rule of natural justice, is void-ab-intio and he is entitled to reinstatement with back wages.

3. It is averred in the statement of claim that aggrieved by illegal retrenchment, he raised this industrial dispute on 3-9-98 before the Asstt. Labour Commissioner (C), Dehradun who issued notice to the Officer Incharge. In compliance of notice, the management appeared on 18-9-98 for conciliation as provided under section 12 of the I.D. Act, 1947. However, no settlement could be reached and so, the present reference for adjudication.

4. The Military Dairy Farm, Dehradun through Capt. D.S. Rathore, Officer Incharge, contested the claim of the workman and filed written statement. A preliminary objection is raised stating that correct name of the opposite party is 'Military Farm' and not Military Dairy Farm and so, the reference is incorrect, liable to be returned with out any adjudication. Some other preliminary objections have also been raised that the Military Farm is not an 'industry'. Shyam Narayan is not a 'workman', as defined under 2(s) of the I.D. Act, 1947 and further, there is no industrial dispute to be resolved. The workman is not entitled to raise this dispute in personal capacity as this dispute should have been raised by the representative union. The management has also assailed the claim on merit, stating that Ram Narayan used to be engaged in of seasonal nature of works. It is stated that on mechanization of the Military Farms, need of man power got reduced and so, decision was taken to reduce casual labourers, after regularizing those eligible. Junior workman were retrenched by giving notice pay and compensation etc. Ram narayan was disengaged on 23-9-98 with notice to collect his compensation from the office. He preferred not attend office to collect his cheque. Since he was surplus, his services were terminated. However, he is retained in the register to be offered employment in future subject to availability of works.

5. A copy of letter No. A/88043/PE/Q/MF-4 (GEN) dated 24th August, 1998 from V. P. Singh, Brig. DDG, MF is filed by the management in support of the case. This letter mentions that a commitment has been made to COAS on 13-8-98 to reduce manpower by 1-9-98. In light of the said commitment actions were advised in the said letter, to cease employment of CL/CLTS w.e.f. 1-9-98 after regularising services of CLTS/CL to fill up vacancies as per revised PE and further, to provide temporary employment on job basis in the seasonal nature of works. Taking of attendance in muster roll was also prohibited. The officer incharges were also made accountable for recovery and disciplinary action, in case any CL employed after 1-9-98.

6. The management has admitted engagement of the workman as casual labour and grant of temporary status on him. There are general denial of facts recited in the claim but documents have not been submitted to assail contentions of the workman. It is pleaded that he was surplus and so, was retrenched though his name retained in the list of workmen, to be called for service on availability of the works. Admittedly, retrenchment notice was not given before 'disengaging the workman. According to management the workman was directed to collect his compensation on 22-9-98, from the office, but he preferred not to collect his cheque. Accordingly, his services were terminated on 23-9-98, after substantial compliance of Section 25-F I. D. Act, 1947. Furthermore, his cheque was sent by registered post on 24-9-98, was not acknowledged.

7. Before adverting to discuss merit of the case, it seems appropriate to take up preliminary objections. First plea of the management that 'Military Farm' has been wrongly noted as 'Military Dairy Farm' and so, the reference is incompetent and defective, is misconceived. Military Farm is generally called Military Dairy Farm and a workman, being illiterate, may commit such mistake. 'Military Farm' and 'Military Dairy Farm' are not two distinct units to cause confusion to the management. The management has filed written statement treating it to be Military Farm and also, appeared in conciliation proceeding before ALC (C). Nothing is shown that any such objection was taken before the ALC (C) prior to submission of the Failure Report, which formed basis of the present reference. In the said background, this plea is too technical and has no legal significance, causing prejudice to the management.

8. The plea that the Military Farm is not an 'industry' is also misconceived. The aim and object of the Dairy Farm is to supply milk and other products to the soldiers, ex-soldiers and their family members etc. on payment, may be without profit motive. The nature of activities are commercial. The management has admitted its function being 'quasi commercial' in reply to notice from the ALC (C). The Military Farms do not discharge sovereign functions of state. Thus, the Military Farm, is an 'industry' under the I.D. Act, 1947. The provisions of the I.D. Act, 1947 are applicable in the matters of casual labourers engaged by the Military Farm. The supporting evidence relied by the management also prove application of the I.D. Act, 1947. The O.M. No. 4914/2/86-Estt. Dated 7-6-88, formulated scheme for regularisation and grant of temporary status to the casual labourers which are in conformity with the provisions of the I.D. Act, 1947. The management did not produce rules or orders showing exclusion of the I.D. Act, 1947. Thus, Ram Narayan being workman, was entitled to raise this dispute. Also, this Tribunal has jurisdiction to adjudicate the reference raised by him in individual capacity, under Section 2-A of the I.D. Act, 1947, impugning his termination.

9. On merit, firstly : it is to be determined whether alleged termination was affected, w.e.f. 1-9-98 or 23-9-98 as alleged by the management. According to the workman, he was not allowed to work w.e.f. 1-9-98. This submission finds corroboration from the letter dated 14-8-98 of Brig. V. P. Singh who directed that the employment of CL/CLTS will cease w.e.f. 1-9-98. Nothing is shown that this order was not complied by the Military Farm. Also, there is no evidence to show that the workman was permitted to work or after 1-9-98 upto 23-9-98. His attendance on or after 1-9-98 was bited on muster roll or payment of his wages upto 23-9-98 were made by placing documents. It is noticeable that the industrial dispute was raised on 3-9-98 before ALC (C), and first hearing was held on 18-9-98. The management participated in the said hearing. How could hearing in the dispute could have been before 23-9-98 if termination was not made on 1-9-98. The retrenchment order No. E-4/TS/DL/F-2 dated 23-9-98, office memos, dated 22-9-98 and 24-9-98 showing non receipt of payment were prepared subsequently, to remove legal defects. Had it not been so, the workman should have been paid 23 days wages i.e. from 1-9-98 to 23-9-98 by the said cheque. The retrenchment order does not mention inclusion of 23 days wages. This order directs workman to collect his compensation from the office. Two office memos dated 22-9-98 and 23-9-98 are filed which mention that the workman did not report to collect the cheque. No document is filed to show that the workman was given notice to collect his cheque one day in advance of 23-9-98 i.e. on 22-9-98. The case of the management can not be believed that the services of the workman were terminated w.e.f. 23-9-98 or substantial compliance of Section 25-F, I.D. Act, 1947 was made. The workman, in fact, was disengaged w.e.f. 1-9-98 as per direction of Brig. V. P. Singh dated 14-8-98. It is also established that compliance of Section 25-F of the I.D. Act, 1947 was not made rendering oral termination void abinitio.

10. The management has admitted that Ram Narayan had already acquired temporary status as per office memo No. 4912/2/86-Estt. dated 7-6-88 and O.M. No. 51016/2/90-Estt. © Govt. of India, Ministry of Personnel, P.G. and Pension, Department of Personnel and Training, New Delhi dated 10-9-93. Policy decisions through these documents, rationalized working of the casual workers in the matter of their wages and future regularisation. These circulars provide to creation of additional regular posts, if necessary, in concurrence with the Ministry of Finance. The appended scheme with O.M. dated 10-9-93 provides conferment of 'temporary status' without reference to creation/availability of group 'D' posts. This also provides that workers with temporary status, may be deployed any- where within the recruitment unit/territorial circle on the basis of availability of work. These circulars also provide that after rendering 3 years continuous service after conferment of temporary status, such casual labourers with temporary status were eligible to contribute to the General Provident Fund. Such

workers were also eligible for grant of festival advance, flood advance etc. on the same conditions as were applicable to temporary group 'D' employees. Para 8 & 9 of this circular provide for regularisation of such casual workers with temporary status.

11. Admittedly, Ram Narayan was a casual labour with temporary status and was eligible to be regularised. The management did not submit any record to show non availability of regular vacancies or justification of its action, in not regularizing him as was directed by Brig. V.P. Singh, in his letter dated 14-8-98. Thus, the action of the management can not be justified in terminating services of Ram Narayan. Also, compliance of Section 25-F of the I.D. Act, is not shown and his discontinuation order is *void-ab-initio*.

12. As such, the reference is adjudicated in favour of the workman, Ram Narayan. He is entitled to reinstatement with full back wages.

13. Award as above.

Lucknow, RUDRESH KUMAR, Presiding Officer
26-12-2002

नई दिल्ली, 3 जनवरी, 2003

का. आ. 343.— औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार मिलिट्री डेयरी फार्म के प्रबंधन के सम्बद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार, औद्योगिक अधिकरण, लखनऊ के पंचाट (संदर्भ संख्या 119/2000) को प्रकाशित करती है, जो केन्द्रीय सरकार को 3-1-2003 को प्राप्त हुआ था।

[सं. एल-14012/117/98-आई आर (डी यू)]

कुलदीप राय वर्मा, डेस्क अधिकारी

New Delhi, the 3rd January, 2003

S.O. 343.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 119/2000) of the Central Government Industrial Tribunal/Labour Court, Lucknow now as shown in the Annexure in the Industrial Dispute between the employers in relation to the Management of Military Dairy Farm and their workman, which was received by the Central Government on 3-1-2003.

[No. L-14012/117/98-IR (DU)]

KULDIP RAI VERMA, Desk Officer

ANNEXURE

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL
CUM LABOUR COURT, LUCKNOW

PRESENT

RUDRESH KUMAR
Presiding Officer

I.D. No. 119/2000 (Kanpur No. 97/99)

Ref. No. L-14012/117/98/IR(DU) dated 22-4-1999

BETWEEN

Desh Raj C/o B.M.S. 32, Chakrata Road,

Dehradun

AND

The Officer Incharge, Military Dairy Farm,

Dehradun

AWARD

By order No. L-14012/117/98/IR(DU) dated 22-4-1999, the Central Government in the Ministry of Labour, in exercise of powers conferred by clause (d) of sub section (1) and Section 2(A) of Section 10 of the I.D. Act, 1947 (14 of 1947) referred this industrial dispute between Desh Raj C/o B.M.S. 32, Chakrata Road, Dehradun and the Officer Incharge, Military Dairy Farm, Dehradun, for adjudication to CGIT-cum-Labour Court, Kanpur. Later, vide order No. Z-13011/1/97-CLS-II dated 21-8-2000, this case was transferred to this tribunal. The reference under adjudication is as under :

“Whether the action of the Management Dairy Farm, Dehradun in terminating the services of Desh Raj Ex-Casual Labour is legal and justified? If not, to what relief the workman is entitled?”

2. Facts are: that the workman, Desh Raj, was engaged by the Military Dairy Farm, Dehradun as a Casual labour w.e.f. 27-8-88. He worked continuously since then upto 31-8-98. In each year of his association as casual labour, he worked for more than 240 days and thus, was in ‘continuous service’ as defined under Section 25-B of the I.D. Act, 1947. He was engaged in perennial nature of work. His services were illegally dispensed with by oral order w.e.f. 1-9-98, without any notice, or notice pay and retrenchment compensation etc. as is necessary under Section 25-F of the said Act. It is also alleged that junior workers were retained in preference to the workman and the policy of ‘first come last go’ was not followed. He was entitled to regularisation as per policy of the Government, but the management terminated his services without observing prescribed procedures, rendering its order *void-ab-initio*. Relief of reinstatement with back wages has been claimed.

3. Aggrieved by his illegal retrenchment, the workman raised industrial dispute on 3-9-98 before the Asstt. Labour Commissioner, Dehradun. In compliance of notice, the management appeared for conciliation on 18-9-98 as provided under Section 12 of I.D. Act, 1947, but no settlement could be reached, resulting into Failure Report, the basis of the present reference for adjudication.

4. The Military Dairy Farm, Dehradun through Capt. D.S. Rathore, Officer Incharge, contested the claim of the workman and filed written statement. A preliminary objection is raised stating that correct name of the opposite

party is 'Military Farm' and not Military Dairy Farm and so, the reference is incorrect and cannot be adjudicated. Also, other preliminary objections have been raised, that the Military Farm is not an 'industry', Desh Raj is not 'workman', as defined under the provisions of I.D. Act, and further, there is no industrial dispute to be resolved. The workman is not entitled to raise this dispute in personal capacity, as this dispute should have been raised by the representative union. The management assailed the claim on merit, stating that the work against which Desh Raj was engaged was of seasonal nature. On mechanization of the Military Farm, need of manpower reduced and so, retrenchment of casual labourers became necessary. Only juniors were retrenched by giving notice to collect compensation etc. as provided under law. The workman was disengaged on 23-9-98 and not on 1-9-98 as alleged. He was directed to collect his compensation from the office but he preferred not to attend the office to collect his cheque. Later the compensation was sent by post which was refused, thus, there is substantial compliance of Section 25-F of the I.D. Act. The workman was surplus and his services were terminated, retaining his name in the register to be called for duties in future subject to availability of work.

5. A copy of letter No. A/88043/PE/Q/MF-4 (GEN) dated 24th August, 1998 from V. P. Singh, Brig, DDG, MF is filed by the management to support its case. This letter mentions that a commitment has been made in presentation to COAS on 13-8-98 to reduce manpower by 1-9-98. In light of the said commitment, some actions were advised in the letter, to cease employment of CL/CLTS w.e.f. 1-9-98 after regularising services of CLTS/CL to fill up vacancies as per revised PE and further, in future to provide temporary employment on job basis for seasonal nature of work. Taking attendance on muster roll was also prohibited. The officer incharges were also made liable for recovery and disciplinary action, in case any CL employed after 1-9-98.

6. The management has not disputed engagement of the workman as casual labourer w.e.f. 27-8-88 or his continuous working upto 31-8-98. Also, specific denial has not been made assailing claim of the workman that he served more than 240 days in each year of his service. There is general denial of the claim without supporting documents. It is contended that he was surplus and so, was retrenched and his name find reference in the list of workmen to be called for service in future on availability of work. Admittedly, retrenchment notice was not given before disengaging the workman, instead he was directed to collect his compensation on 22-9-98 from the office. He preferred not to collect his cheque. Accordingly, he was terminated on 23-9-98, treating substantial compliance of section 25-F of I.D. Act, 1947. Furthermore, his cheque was sent by registered post on 24-9-98 which was not acknowledged by the workman.

7. Before advertng to discuss merit of the case, it seems appropriate to take up preliminary objections. The plea of the management that 'Military Farm' has been wrongly noted as 'Military Dairy Farm' and so, the reference is incompetent and defective, is misconceived. Military Farm is generally called Military Dairy Farm and a workman, being illiterate, may commit such mistake. 'Military Farm' and 'Military Dairy Farm' are not two distinct units to cause confusion to the management. The management in fact, has filed written statement treating it to be Military Farm and also appeared in conciliation proceeding before ALC (C). Nothing is shown that any such objection was taken before the ALC (C) prior to submission of the Failure Report, which formed basis of the reference. In the said background, this plea is simply technical and has no legal significance, in absence of proof that the management was prejudiced in any manner.

8. The plea that the Military Farm is not an 'industry' is also misconceived. The aim and object of the Military Dairy Farm is to supply milk and other products to the soldiers, ex-soldiers and their family members etc. on payment, may be without profit motive. The nature of activities are commercial. The management admitted its function being 'quasi commercial' in reply to notice from the ALC (C). The Military Farms do not discharge sovereign functions of state. Thus, the Military Farm, is an 'industry' under the I.D. Act, 1947. The provisions of the I.D. Act, 1947 are applicable in the matter of the casual labourers engaged by the Military Farm. The supporting evidence relied by the management also prove application of the I.D. Act, 1947. The O.M. No. 4914/2/86-Estt. Dated 7-6-88, formulated scheme for regularisation and grant of temporary status to the casual labourers which are in conformity with the provisions of the I.D. Act, 1947. The management has not produced any set of rules showing exclusions of the I.D. Act, 1947 in connection with casual workers. Thus, Desh Raj is a workman, and also is entitled to raise this dispute. Also, this Tribunal has jurisdiction to adjudicate the reference raised by Desh Raj in individual capacity, under section 2-A of the I.D. Act, 1947, impugning his termination. He is not under obligation to approach through the union.

9. On merit, firstly ; it is to be determined whether alleged termination was affected, w.e.f. 1-9-98, or 23-9-98 as alleged by the management. According to the workman, he was not allowed to work w.e.f. 1-9-98. This submission finds corroboration from the letter dated 14-8-98 of Brig. V. P. Singh who directed that the employment of CL/CLTS will cease w.e.f. 1-9-98. Nothing is shown that this order was not complied by the Military Farm. Also, there is no evidence to show that the workman was permitted to work on or after 1-9-98 upto 23-9-98, his attendance on or after 1-9-98 on muster roll was taken or payment of his wages were made upto 23-9-98. It is noticeable that the industrial dispute was raised on 3-9-98 before ALC (C), and hearing

was held on 18-9-98. How the management could participate in hearing before 23-9-98, if the termination was made on the said date. The retrenchment order No. E-4/TS/DL/F-2 dated 23-9-98, including cheque for 15 days salary and retrenchment compensation, appear to have been prepared subsequently, to remove legal defects. Had it not been so, the workman should have also been paid 23 days wages i.e. from 1-9-98 to 23-9-98 by the said cheque. This retrenchment order does not mention inclusion of 23 days wages. Two office memos dated 22-9-98 and 23-9-98 have been filed which mention that the workman did not report to collect his cheque. These documents are office reports. No document is filed to show that, in fact, the workman had any notice to collect his cheque on 22-9-98 i.e. one day in advance of 23-9-98. The case of the management can not be believed that termination was made on 23-9-98 or substantial compliance of section 25-F of I.D. Act, 1947 was made. The workman, in fact, was terminated w.e.f. 1-9-98 as per direction of Brig. V. P. Singh dated 14-8-98. It is also established that compliance of section 25-F of the I.D. Act, 1947 was not made by the management rendering the termination *void ab-initio*.

10. The management failed to prove that Desh Raj was not entitled to temporary status as per office Memo No. 4912/2/86-Estt (C) dated 7-6-88 and O.M. No. 51016/2/90-Estt. (C) Govt. of India, Ministry of Personnel, P.G. and Pension, Department of Personnel and Training, New Delhi dated 10-9-93. Policy decisions through these documents, rationalized working of the casual workers particularly, in the matter of their wages and future regularisation. It provided for creation of additional regular posts, if necessary, in concurrence with the Ministry of Finance. The appended scheme with O.M. dated 10-9-93 provides conferment of 'temporary status' without reference to creation/availability of group 'D' posts. This also provides that workers with temporary status, may be deployed any where within the recruitment unit/territorial circle on the basis of availability of work. These circulars also provide that after rendering 3 years continuous service after conferment of temporary status, such casual labourers were required to contribute to the General Provident Fund. Such workers were also eligible for grant of festival advance, flood advance etc. on the same conditions as are applicable to temporary group 'D' employees. Para 8 & 9 of this circular provide for regularisation of such casual workers with temporary status. The workman rendered continuous service for more than 10 years and thus was entitled to conferment of temporary status. Non-issuance of formal order to treat him casual labourer with temporary status will not defeat his cause.

11. The submission of the management that there was no work to engage the workman can not be accepted in face of averments in letter dated 14-8-98 of Brig. V.P. Singh, whereby it was directed to provide temporary employment on job basis and not to obtain signature on

muster roll. It implies availability of work. Even if there was seasonal works, the workman had preferential claim. No such order to give preference to the retrenched workmen has been filed. The action of the management is thus, unjustified.

12. Admittedly, Desh Raj was a casual labour and he fulfilled eligible criteria to be regularised. The management did not put any record to show availability of regular vacancies or absorption of casual labourers with temporary status, as was directed by Brig. V.P. Singh in his letter dated 14-8-98. Thus, the action of the management can not be justified in terminating the services of the workman, on the plea of surplusage without following due statutory procedures. The management was under legal obligation to comply with the provisions contained under section 25-F of the I.D. Act, 1947, and failure to do so rendered termination dated 1-9-98 *void ab-initio*.

13. As such, the reference is adjudicated in favour of the workman Desh Raj. His termination is held *void ab-initio*. He is entitled to reinstatement with full back wages.

14. Award as above.

Lucknow, RUDRESH KUMAR, Presiding Officer
26-12-2002

नई दिल्ली, 3 जनवरी, 2003

का. आ. 344.— औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार मिलिट्री डेयरी फार्म के प्रबंधन के सम्बद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, लखनऊ के पंचाट (संदर्भ संख्या 112/2000) को प्रकाशित करती है, जो केन्द्रीय सरकार को 3-1-2003 को प्राप्त हुआ था।

[सं. एल-14012/102/98—आई आर (डी यू)]

कुलदीप राय वर्मा, डेस्क अधिकारी

New Delhi, the 3rd January, 2003

S.O. 344.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 112/2000) of the Central Government Industrial Tribunal/Labour Court, Lucknow now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Military Dairy Farm and their workman, which was received by the Central Government on 3-1-2003.

[No. L-14012/102/98-IR (DU)]

KULDIP RAI VERMA, Desk Officer

ANNEXURE

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-
CUM-LABOUR COURT, LUCKNOW

PRESENT

RUDRESH KUMAR
Presiding Officer

I.D. No. 112/2000 (Kanpur No. 90/99)

Ref. No. L-14012/102/98/IR(DU) dated 22-4-1999

BETWEEN

Rajpal Singh, C/o B.M.S. 32, Chakrata Road,
Dehradun

AND

The Officer, Incharge, Military Dairy Farm,
Dehradun

AWARD

By order No. L-14012/102/98/IR(DU) dated 22-4-1999, the Central Government in the Ministry of Labour, in exercise of powers conferred by clause (d) of sub-section (1) and Sub-section (2A) of section 10 of the I.D. Act, 1947 (14 of 1947) referred this industrial dispute between Rajpal Singh, C/o B.M.S., 32, Chakrata Road, Dehradun and the Officer Incharge, Military Dairy Farm, Dehradun, for adjudication to CGIT-cum-Labour Court, Kanpur. Later, vide order No. Z-13011/1/97-CLS-II dated 21-8-2000, this case was transferred to this tribunal. The reference under adjudication is as under :

“Whether the action of the Management Dairy Farm, Dehradun in terminating the services of Rajpal Singh Ex-Casual Labour is legal and justified ? If not, to what relief the workman is entitled ?”

2. Facts are : that the workman, Rajpal Singh, was engaged by the Military Dairy Farm, Dehradun as a Casual labour w.e.f. 11-2-89. He worked continuously since then upto 31-8-98. In each year of his association as casual labour, he worked for more than 240 days and thus, was in continuous service as defined under section 25-B of the I.D. Act, 1947. He was engaged in perennial nature of work. His services were illegally dispensed with by oral order w.e.f. 1-9-98, without any notice, or notice pay and retrenchment compensation etc. as is necessary under section 25-F of the said Act. It is also alleged that junior workers were retained in preference to the workman and the policy of ‘first come last go’ was not followed. He was entitled to regularisation as per policy of the Government, but the management terminated his services without observing prescribed procedure, rendering its order void-ab-initio. Relief of reinstatement with back wages has been claimed.

3. Aggrieved by his illegal retrenchment, the workman raised industrial dispute on 3-9-98 before the Asstt. Labour Commissioner(C), Dehradun. In compliance of notice, the management appeared for conciliation as provided under section 12 of the I.D. Act, 1947, but no settlement could be reached, resulting into present reference for adjudication.

4. The Military Dairy Farm, Dehradun through Capt. D.S. Rathore, Officer Incharge, contested the claim of the

workman and filed written statement. A preliminary objection is raised stating that correct name is ‘Military Farm’ and not ‘Military Dairy Farm’ and so, the reference is incorrect and cannot be adjudicated. Also, other preliminary objections have also been raised, that the Military Farm is not an ‘industry’, Rajpal Singh is not ‘workman’, as defined under the provisions of I.D. Act, and further, there is no industrial dispute to be resolved. The workman is not entitled to raise this dispute in personal capacity, as this dispute should have been raised by the representative union. The management assailed the claim, stating that the work against which Rajpal Singh was engaged, was of seasonal nature. On mechanization of the Military Farm, need of manpower reduced and so, retrenchment of casual labourers became necessary. Only juniors were retrenched by giving notice and compensation etc. as provided under law. The workman was terminated on 23-9-98 and not on 1-9-98 as claimed. He was directed to collect his compensation from the office but he preferred not to attend the office to collect his cheque. The compensation was sent by post which was refused, thus, there was substantive compliance of section 25-F of the I.D. Act. The workman was surplus and his services were terminated, retaining his name in the register to be called for duties subject to availability of work.

5. A copy of letter No. A/88043/PE/Q/MF-4 (GEN) dated 24th August, 1998 from V. P. Singh, Brig, DDG, MF is filed to support the case. This letter mention that a commitment has been made to reduce manpower by 01-9-98 in presentation to COAS on 13-8-98. In light of the said commitment, some actions were advised in the letter, to cease employment of CL/CLTS w.e.f. 1-9-98 after regularising services of CLTS/CL to fill up vacancies as per revised PE and further, in future to provide temporary employment on job basis for seasonal nature of work. Taking attendance on muster roll was also prohibited. The officer incharges were made liable for recovery and disciplinary action, in case any CL employed after 1-9-98.

6. The management has not disputed engagement of the workman as casual labourer w.e.f. 11-2-89 or his continuous working upto 31-8-98. Also specific denial has not been made assailing claim of the workman that he served more than 240 days in each year of his service. There is general denial of the claim without supporting documents. It is contended that he was surplus and so, was retrenched and his name find reference in the list of workmen to be called for service on availability of the work. Admittedly, retrenchment notice was not given before disengaging the workman, instead the workman was directed to collect his compensation on 22-9-98 from the office. He preferred not to collect his cheque. Accordingly, he was terminated on 23-9-98, treating substantial compliance of section 25-F of the I.D. Act, 1947. Furthermore, his cheque was sent by registered post on 24-9-98 which was not acknowledged.

7. Before advertent to discuss merit of the case, it seems appropriate to take up preliminary objections. The plea of the management that 'Military Farm' has been wrongly noted as 'Military Dairy Farm' and so, the reference is incompetent and defective, is misconceived. Military Farm is generally called Military Dairy Farm and a workman, being illiterate, may commit mistake. 'Military Farm' and 'Military Dairy Farm' are not two distinct units to cause confusion to the management. The management has filed written statement treating it to be Military Dairy Farm and also appeared in conciliation proceeding before ALC (C). Nothing is shown that any such objection was taken before the ALC (C) prior to submission of the Failure Report, which formed basis of the reference. In the said background, this plea is technical has no legal significance and thus rejected.

8. The plea that the Military Farm is not an 'industry' is also misconceived. The aim and object of the Dairy Farm is to supply milk and other products to the soldiers, ex-soldiers and their family members etc. on payment, may be without profit motive. The nature of activities are commercial. The management has admitted its function being 'quasi commercial' in reply to notice from the ALC (C). The Military Farms do not discharge sovereign functions of state. Thus, the Military Farm, is an 'industry' under the I.D. Act, 1947. The provisions of the I.D. Act, 1947 are applicable in the matter of the casual labourers engaged by the Military Farm. The supporting evidence relied by the management also prove application of the I.D. Act, 1947. The O.M. No. 4914/2/86-Estt. Dated 7-6-88, formulated scheme for regularisation and grant of temporary status to the casual labourers which are in conformity of the provisions of the I.D. Act, 1947. The management has not produced any set of rules showing exclusions of the I.D. Act, 1947. Thus, Rajpal Singh is a workman, entitled to raise this dispute. Also, this Tribunal has jurisdiction to adjudicate the reference raised by Rajpal Singh in individual capacity, under section 2(A) of the I.D. Act, 1947, impugning his termination. He is not under obligation to approach through the union.

9. On merit, firstly it is to be determined whether alleged termination was effected, w.e.f. 1-9-98, or 23-9-98 as alleged by the management. According to the workman, he was not allowed to work w.e.f. 1-9-98. This submission finds corroboration from the letter dated 14-8-98 of Brig. V. P. Singh who directed that the employment of CL/CLTS will cease w.e.f. 1-9-98. Nothing is shown that this order was not complied by the Military Farm. Also, there is no evidence to show that the workman was permitted to work on or after 1-9-98 upto 23-9-98, his attendance on or after 1-9-98 on muster roll was taken, or payment of his wages upto 23-9-98 were made. It is noticeable that the industrial dispute was raised on 3-9-98 before ALC(C), and hearing was held on 18-9-98. How the management could participate in hearing before 23-9-98, if the termination was made on the said date. The retrenchment Order No. E-4/TS/DL/F-2

dated 23-9-98, accompanied with 15 days salary and retrenchment compensation vide cheque No. 0679764 for Rs. 2998, appears to have been prepared subsequently, to remove legal defects. Had it not been so, the workman should have also been paid 23 days wages i.e. from 1-9-98 to 23-9-98 by the said cheque. This retrenchment order does not mention inclusion of 23 days wages. Two office memos dated 22-9-98 and 23-9-98 are filed which mention that the workman did not report to collect the cheque. These documents are office reports. No document is filed to show that the workman had notice to collect his cheque on 22-9-98 i.e. one day in advance of 23-9-98. The case of the management can not be believed that termination was made on 23-9-98 or there was substantial compliance of section 25-F of the I.D. Act, 1947. The workman, infact, was terminated w.e.f. 1-9-98 as per direction of Brig. V. P. Singh dated 14-8-98. It is also established that compliance of section 25-F of the I.D. Act, 1947 was not made, rendering the termination *void-ab-initio*.

10. The management failed to prove that Rajpal Singh was not entitled to temporary status as per office Memo No. 4912/2/86-Estt. dated 7-6-88 and O.M. No. 51016/2/90-Estt. Govt. of India, Ministry of Personal, P.G. and Pension, Department of Personal and Training, New Delhi dated 10-9-93. Policy decisions through these documents, rationalized working of the casual workers in the matter of their wages and future regularisation. It provided for creation of additional regular posts, if necessary, in concurrence with the Ministry of Finance. The appended scheme with O.M. dated 10-9-93 provides conferment of 'temporary status' without reference to creation/availability of group 'D' posts. This also provides that workers with temporary status, may be deployed any where within the recruitment unit/territorial circle on the basis of availability of work. These circulars also provide that after rendering 3 years continuous service after conferment of temporary status, such casual labourers were required to contribute to the General Provident Fund. Such workers were also eligible for grant of festival advance, flood advance etc. on the same conditions as were applicable to temporary group 'D' employees. Paras 8 & 9 of this circular provide for regularisation of such casual workers with temporary status. The workman rendered continuous service for 9 years and thus was entitled to temporary status. Non issuance of formal order to treat him casual labourer with temporary status will not defeat his cause.

11. The submission of the management that there was no work to engage the workman cannot be accepted in face of averments in letter dated 14-8-98 of Brig. V.P. Singh, where by it was directed to provide job contract and not obtain signatures on muster roll. It implies availability of work. Even if there was seasonal works, the workman had preferential claim. No such order to give preference to the retrenched workmen has been filed. The action of the management is thus, unjustified.

12. Admittedly, Rajpal Singh was a casual labour and he fulfilled eligible criteria to be regularised. The management did not put any record to show availability of regular vacancies or absorption of casual labourers with temporary status, as was directed by Brig. V.P. Singh in his letter dated 14-8-98. Thus, the action of the management can not be justified in terminating the services of the workman, on the plea of surplusage without following statutory procedure contained under Section 25-F of the I.D. Act. 1947.

13. As such, the reference is adjudicated in favour of the workman Rajpal Singh. His termination is void-ab-initio. He is entitled to reinstatement with full back wages.

14. Award as above.

Lucknow, RUDRESH KUMAR, Presiding Officer
24-12-2002

नई दिल्ली, 3 जनवरी, 2003

का. आ. 345.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार मिलिट्री डेयरी फार्म के प्रबंधन के सम्बद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, लखनऊ के पंचाट (संदर्भ संख्या 144/2000) को प्रकाशित करती है, जो केन्द्रीय सरकार को 3-1-2003 को प्राप्त हुआ था।

[सं. एल-14012/32/99-आई आर (डी यू)]
कुलदीप राय वर्मा, डेस्क अधिकारी

New Delhi, the 3rd January, 2003

S.O. 345.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 144/2000) of the Central Government Industrial Tribunal/Labour Court, Lucknow now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Military Dairy Farm and their workman, which was received by the Central Government on 3-1-2003.

[No. L-14012/32/99-IR(DU)]
KULDIPRAI VERMA, Desk Officer
ANNEXURE

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-
CUM-LABOUR COURT, LUCKNOW

PRESENT

RUDRESH KUMAR
PRESIDING OFFICER

I.D. No. 144/2000 (Kanpur No. 238/99)
Ref. No. L-14012/32/98-99/IR(DU) dated 3-8-1999

BETWEEN

Shiv Prasad, C/o B.M.S. 32, Chakrata Road,
Dehradun

AND

The Officer Incharge, Military Dairy Farm,

Dehradun

AWARD

By order No. L-14012/32/99/IR(DU) dated 3-8-1999, the Central Government in the Ministry of Labour, in exercise of powers conferred by clause (d) of Sub-section (1) and Section 2(A) of Section 10 of the I.D. Act. 1947 (14 of 1947) referred this industrial dispute between Shiv Prasad C/o B.M.S., 32, Chakrata Road, Dehradun and the Officer Incharge, Military Dairy Farm, Dehradun, for adjudication to CGIT-cum-Labour Court, Kanpur. Later, vide order No. Z-13011/1/97-CLS-II dated 21-8-2000, this case was transferred to this tribunal. The reference under adjudication is as under :

“Whether the action of the Management of Dairy Farm, Dehradun in terminating the services of Shiv Prasad Ex-Casual Ex-Temp. Status Casual Labour is legal and justified ? If not, to what relief the workman is entitled ?”

2. Facts are that the workman, Shiv Prasad, was engaged in the Military Dairy Farm, Dehradun as a Casual labour w.e.f. 1-7-88. He continuously worked since then upto 31-8-98. In each year of his association with Military Dairy Farm as casual labour, he worked 240 days and more. and so had been in ‘continuous service’ as defined under Section 25-B of the I.D. Act, 1947. He was engaged in regular nature of work. His services were illegally dispensed with w.e.f. 1-9-98, without any notice, notice pay and retrenchment compensation etc. as provided under Section 25-F of the said Act. It is also alleged that junior workers were retained in preference to the workman, who had already been granted temporary status, ignoring legal policy of ‘first come last go’. He was entitled to regularisation as per policy direction of the Government. The action of the management in terminating the services without observing rule of natural justice, is *void-ab-initio* and he is entitled to reinstatement with back wages.

3. It is averred in the statement of claim that aggrieved by illegal retrenchment, the workman raised an industrial dispute on 3-9-98 before the Asstt. Labour Commissioner (C), Dehradun who issued notice to the Officer Incharge. In compliance of notice, the management appeared on 18-9-98 for conciliation as provided under Section 12 of the I.D. Act, 1947. However, no settlement could be reached and so, the present reference for adjudication.

4. The Military Dairy Farm, Dehradun through Capt. D.S. Rathore, Officer Incharge, contested the claim of the workman and filed written statement. A preliminary objection is raised stating that correct name is ‘Military Farm’ and not ‘Military Dairy Farm’ and so, the reference is incorrect, liable to be returned without any adjudication.

Some other preliminary objections have also been raised, that the Military Farm is not an 'industry', Shiv Prasad is not a 'workman', as defined under 2(s) of the I.D. Act, 1947 and further, there is no industrial dispute to be resolved. The workman is not entitled to raise this dispute in personal capacity, as this dispute should have been raised by the representative union. The management has also assailed merit of the claim, stating that the works against which Shiv Prasad was engaged had been of seasonal nature. It is stated that on mechanization of the Military Farms, need of manpower got reduced and so, decision was taken to reduce casual labourers, after regularizing those eligible. Those who were juniors were retrenched by giving notice and compensation etc. as the case may be. Shiv Prasad was disengaged on 23-9-98 without notice but with direction to collect his compensation and not on 1-9-98, as alleged by him. He preferred not to attend office to collect his cheque. Since he was surplus, his services were terminated. He is retained in the register and shall be offered employment subject to availability of works.

5. A copy of letter No. A/88043/PE/Q/MF-4 (GEN) dated 24th August, 1998 from V. P. Singh, Brig. DDG, MF is filed in support of the case. This letter mentions that a commitment has been made to COAS on 13-8-98 to reduce manpower by 1-9-98. In light of the said commitment actions were advised in the said letter, to cease employment of CL/CLTS w.e.f. 1-9-98 after regularising services of CLTS/CL to fill up vacancies as per revised PE and further, to provide temporary employment on job basis in seasonal nature of works. Taking of attendance in muster roll was also prohibited. The officer incharges were also made accountable for recovery and disciplinary action, in case any CL employed after 1-9-98.

6. The management has admitted engagement of the workman as casual labour and grant of temporary status to him. There is general denial of facts recited in the claim but documents have not been submitted to assail contentions of the workman. It is contended that he was surplus and so, was retrenched and his name find reference in the list of workmen, to be called for service on availability of the work. Admittedly, retrenchment notice was not given before disengaging the workman, instead he was directed to collect his compensation on 22-9-98 from the office, but he preferred not to collect his cheque. Accordingly, he was terminated on 23-9-98, after substantial compliance of Section 25-F, I.D. Act, 1947. Furthermore, his cheque was sent by registered post on 24-9-98 which was not acknowledged.

7. Before adverting to discuss merit of the case, it seems appropriate to take up preliminary objections. The plea of the management that 'Military Farm' has been wrongly noted as 'Military Dairy Farm' and so, the reference is incompetent and defective, is misconceived. Military Farm is generally called Military Dairy Farm and a workman, being illiterate, may commit such mistake. 'Military Farm'

and 'Military Dairy Farm' are not two distinct units to cause confusion to the management. The management has filed written statement treating it to be Military Farm and also, appeared in conciliation proceeding before ALC (C). Nothing is shown that any such objection was taken before the ALC (C) prior to submission of the Failure Report, which formed basis of the reference. In the said background, this plea has no legal significance and is too technical, having no bearing on merit or causing prejudice to the management.

8. The plea that the Military Farm is not an 'industry' is also misconceived. The aim and object of the Dairy Farm is to supply milk and other products to the soldiers, ex-soldiers and their family members etc. on payment, may be without profit motive. The nature of activities are commercial. The management has admitted its function being 'quasi commercial' in reply to notice from the ALC (C). The Military Farms do not discharge sovereign functions of State. Thus, the Military Farm is an 'industry' under the I.D. Act, 1947. The provisions of the I.D. Act, 1947 are applicable in the matters of casual labourers engaged by the Military Farm. The supporting evidence relied by the management also prove application of the I.D. Act, 1947. The O.M. No. 4914/2/86-Estt. Dated 7-6-88, formulated scheme for regularisation and grant of temporary status to the casual labourers which are in conformity with the provisions of the I.D. Act, 1947. The management did not produced rules or orders showing exclusion of the I.D. Act, 1947. Thus, Shiv Prasad was a workman, entitled to raise this dispute. Also, this Tribunal has jurisdiction to adjudicate the reference raised by Shiv Prasad in individual capacity, under Section 2-A of the I.D. Act, 1947, impugning his termination.

9. On merit, firstly it is to be determined whether alleged termination was effected, w.e.f. 1-9-98 or 23-9-98 as alleged by the management. According to the workman, he was not allowed to work w.e.f. 1-9-98. This submission finds corroboration from the letter dated 14-8-98 of Brig. V. P. Singh who directed that the employment of CL/CLTS will cease w.e.f. 1-9-98. Nothing is shown that this order was not complied by the Military Farm. Also, there is no evidence to show that the workman was permitted to work on or after 1-9-98 upto 23-9-98. His attendance on or after 1-9-98 on muster roll or payment of his wages upto 23-9-98 were not proved by placing documents. It is noticeable that the industrial dispute was raised on 3-9-98 before ALC (C), and hearing was held on 18-9-98 in which the management participated. How could hearing in the dispute could have been before 23-9-98 if termination was not 1-9-98. The retrenchment order No. E-4/TS/DL/F-2 dated 23-9-98 accompanied with 15 days salary and retrenchment compensation appears to have been prepared subsequently, to remove legal defects. Had it not been so, the workman should have been paid 23 days wages i.e. from 1-9-98 to 23-9-98 by the said cheque. The retrenchment

order does not mention inclusion of 23 days wages. This order directs workman to collect his compensation from the office. Two office memos dated 22-9-98 and 23-9-98 are filed which mention that the workman did not report to collect the cheque. No document is filed to show that the workman was given notice to collect his cheque, one day in advance of 23-9-98 i.e. on 22-9-98. The case of the management can not be believed that termination was made on 23-9-98, or there was substantial compliance of section 25-F, I.D. Act, 1947. The workman, in fact, was terminated w.e.f. 1-9-98 as per direction of Brig. V.P. Singh dated 14-8-98. It is also established that compliance of section 25-F of the I.D. Act, 1947 was not made rendering the termination *void-ab-initio*.

10. The management has admitted that Shiv Prasad had already acquired temporary status as per office memo No. 4912/2/86-Estt. © dated 7-6-88 and O.M. No. 51016/2/90-Estt. © Govt. of India, Ministry of Personnel, P.G. and Pension, Department of Personnel and Training, New Delhi dated 10-9-93. Policy decisions through these documents, rationalized working of the casual workers in the matter of their wages and future regularisation. These circulars provide for creation of additional regular posts, if necessary, in concurrence with the Ministry of Finance. The appended scheme with O.M. dated 10-9-93 provides conferment of 'temporary status' without reference to creation/availability of group 'D' posts. This also provides that workers with temporary status, may be deployed anywhere within the recruitment unit/territorial circle on the basis of availability of work. These circulars also provide that after rendering 3 years continuous service after conferment of temporary status, such casual labourers with temporary status were eligible to contribute to the General Provident Fund. Such workers were also eligible for grant of festival advance, flood advance etc. on the same conditions as were applicable to temporary group 'D' employees. Para 8 & 9 of this circular provide for regularisation of such casual workers with temporary status.

11. Admittedly, Shiv Prasad was a casual labour with temporary status and was eligible to be regularised. The management did not submit any record to show non availability of regular vacancies and also absorption of casual labourers with temporary status to show justifiability of its action, as was directed by Brig. V.P. Singh, in his letter dated 14-8-98. Thus, the action of the management can not be justified in terminating services of the workman. There was no compliance of section 25-F rendering the termination *void-ab-initio*.

12. As such, the reference is adjudicated in favour of the workman, Shiv Prasad. He is entitled to reinstatement with full back wages.

13. Award as above.

Lucknow, 26-12-2002 RUDRESH KUMAR, Presiding Officer

नई दिल्ली, 3 जनवरी, 2003

का. आ. 346.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार एम. एम. टी. सी. लिमिटेड के प्रबंधन के सम्बद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण चेन्नई के पंचाट (संदर्भ संख्या 120/2001) को प्रकाशित करती है, जो केन्द्रीय सरकार को 3-1-2003 को प्राप्त हुआ था।

[सं. एल-42012/245/98-आई आर (डी यू)]
कुलदीप राय वर्मा, डेस्क अधिकारी

New Delhi, the 3rd January, 2003

S.O. 346.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 120/2001) of the Central Government Industrial Tribunal/Labour Court Chennai now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of M.M. T. C. Ltd. and their workman, which was received by the Central Government on 3-1-2003.

[No. L-42012/245/98-IR (DU)]

KULDIP RAI VERMA, Desk Officer
ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL
TRIBUNAL-CUM-LABOUR COURT, CHENNAI

Wednesday, the 27th November, 2002

PRESENT:

K. KARTHIKEYAN, Presiding Officer:

INDUSTRIAL DISPUTE No. 120/2001

(Tamil Nadu State Industrial Tribunal I. D. No. 86/99)

(In the matter of the dispute for adjudication under clause (d) of sub-section (1) and sub-section 2(A) of Section 10 of the Industrial Disputes Act, 1947 (14 of 1947), between the workman and management of M.M.T.C. Ltd.)

BETWEEN

Ms. S. Manimala : I Party/Workman

AND

1. The Company Secretary & : II Party/Management.
General Manager (Textiles),
MMTC Ltd., New Delhi.

2. The Deputy General
Manager (P),
MMTC Ltd. Chennai.

3. The Senior Manager (P),
MMTC Ltd., Chennai.

APPEARANCE:

For the Workman : Ms. S. Jothivani &
G. V. Kasturi, Advocates.

For the Management : M/s. S. Ramasubramaniam & Associates, Advocates.

The Govt. of India, Ministry of Labour in exercise of powers conferred by clause (d) of sub-section (1) and sub-section 2(A) of Section 10 of Industrial Disputes Act, 1947 (14 of 1947), have referred the concerned industrial dispute for adjudication vide Order No. L-42012/245/98/IR(DU) dated 26-04-1999.

This reference has been made earlier to the Tamil Nadu State Industrial Tribunal, Chennai, where the same was taken on file as I. D. No. 86/99. When the matter was pending enquiry in that Tribunal, Government of India, Ministry of Labour was pleased to order transfer of this case also from the file of Tamil Nadu State Industrial Tribunal to this Tribunal for adjudication. On receipt of records from that Tamil Nadu State Industrial Tribunal, this case has been taken on file as I. D. No. 120/2001 and notices were sent to the counsel on record on either side, informing them about the transfer of this case to this Tribunal, with a direction to appear before this Tribunal on 01-02-2001 and to prosecute this case further. Accordingly, learned counsel on either side have appeared and prosecuted this case further.

Upon perusing the Claim Statement, Counter Statement, the additional Counter Statement, the documentary evidence let in on the side of the I Party/ Workman alone, the other material papers on record, after hearing the arguments advanced by the learned counsel on either side and this matter having stood over till this date for consideration, this Tribunal has passed the following :—

AWARD

The Industrial Dispute referred to in the above mentioned order of reference by the Central Govt. for adjudication by this Tribunal is as follows :—

“Whether the action of the management of MMTC Ltd. in terminating the services of the workman Ms. S. Manimala is legal and justified? If not, to what relief is she entitled?”

2. The averments in the Claim Statement filed by the I Party/Workman Ms. Manimala (hereinafter refers to as Petitioner) are briefly as follows :—

The Petitioner is a qualified candidate for appointment for the post of typist-cum-clerk. After proper selection, the Petitioner was selected and appointed as typist cum clerk in the O/o the Manager (P & A), MMTC Ltd. Tirupur vide reference dated 4-11-93. The order of appointment states that the Petitioner has been engaged as a Typist-cum-Clerk for a period of three months on daily wage basis of Rs. 50/- per day for the days she worked in a month. During her service in the office because of the exigencies the Petitioner was required to work more than

the office hours and during holidays, without any remuneration. The Petitioner has not claimed any wages for her entire work after the office hours in the interest of organisation. In fact, the satisfactory and sincere work done by the Petitioner was praised and applauded by her superiors. In view of the honest and sincere service the Manager (P & A) MMTC Tirupur recommended the case of Petitioner for increasing the daily wages to Senior Manager, MMTC Ltd., Chennai in turn the competent authority had increased the wages of the Petitioner to Rs. 65/- per day from Rs. 50/- per day. Even though the order of appointment dated 4-11-93 states that the Petitioner has been engaged as a Typist-cum-Clerk for a period of three months only, the Petitioner's service had not been terminated after the completion of three months, but she was continuously engaged and till the order of termination has been passed on 21-9-94 vide order by the Manager (P & A) MMTC Ltd., Tirupur. The Petitioner has not been issued with any show cause notice or memo or order before terminating her from service. Suddenly the impugned order was served on the Petitioner on 21-9-94 terminating her service w.e.f. 1-9-94. The Petitioner had put in more than 240 days of service in the Respondent department and as such she is entitled for a notice or show cause. If the services of the Petitioner has to be terminated for any unsatisfactory work or any charges, the Petitioner ought to have been afforded with an opportunity to prove the same and the failure will amount to violation of Article 311(2) of the Constitution of India. The impugned order of termination has been passed in an illegal and arbitrary exercise of power. The Petitioner has been terminated from service in violation of principles of natural justice and in violation of Section 25F of Industrial Disputes Act, 1947. The act of the Respondent evidently shows the unfair labour practice followed by them in extracting work from the Petitioner even beyond office hours and holidays and suddenly terminating the services of the Petitioner without any rhyme or reason. The Petitioner has been terminated from service with a view to curtail her right for claiming regularisation. The Manager (P & A) MMTC Tirupur is still now engaged another candidates in the post of the Petitioner had worked. Hence, it is a evident that the post and the necessity for a Typist-cum-Clerk is still there and as such terminating the services of the Petitioner suddenly without any notice and without any rhyme or reason is mala fide arbitrary and illegal exercise of power by utilising his official position. Her representation to the II Party/ Management has not yielded any result. On the Writ Petition filed by the Petitioner before the Hon'ble High Court in W. P. No. 10352 of 1995 challenging her order of termination, the High Court by its order dated 6-8-95 directed the Petitioner to approach the labour forum for redressal of her remedies. The Petitioner filed a petition before the conciliation officer, Commissioner of Labour Central, Chennai. Since the conciliation proceedings ended in a failure, the case has been referred as an industrial dispute

by the Govt. to this Tribunal for adjudication. The impugned order of termination was passed in an illegal and arbitrary exercise of power. The Petitioner has served the Respondent for more than 240 days continuously without any break and as such she is entitled for show cause notice or notice pay in lieu of termination and failure of the same will amount to violation of natural justice under section 25F of Industrial Disputes Act. The contention of the II Party/Management that there is no vacancy will not hold any water, since the place where the Petitioner was working is occupied by another person who is performing the same duty and the post is still in existence and if at all the services of the Petitioner is to be terminated for any reasons like abolition of post, the II Party/Management ought to have communicated to the Petitioner any vacancy that is vacant or fell vacant in near future. Without resorting to the procedure laid under law, the II Party/Management have chosen to terminate the services of the Petitioner in an illegal and arbitrary manner which is liable to be quashed. Therefore, it is prayed that this Hon'ble Tribunal may be pleased to direct the II Party/Management to reinstate the Petitioner as Typist-cum-Clerk at MMTC with all attendant service and monetary benefits by setting aside the order of termination dated 21-9-94 issued by the Manager (P & A) MMTC, Tirupur with costs.

3. The averments in the Counter Statement filed by the II Party/Management the General Manager, MMTC Ltd. New Delhi (hereinafter refers to as Respondent) are briefly as follows :—

The Petitioner has approached this Hon'ble Tribunal belatedly, when the Petitioner has taken the stand that her service was terminated on September, 1994. On this ground alone, the dispute is liable to be dismissed. MMTC is a Government of India Undertaking and has its own recruitment rules for appointment of staff and officers. There is no separate cadre of Typist-cum-Clerk as such. MMTC Ltd. is a state under Article 12 of the Constitution of India and it has its own recruitment rules for appointment of staff and officers. According to recruitment rules as amended as on 30-9-93, the minimum educational qualification to be eligible for the post of Junior Assistant is graduation in any discipline with 55% marks in science/commerce and 50% marks in Arts subject. In addition, the candidate should also possess a typing speed of 40 wpm. For the post of steno typist required qualification is graduation in any discipline with 55% marks in science/commerce and 50% marks in arts subject with a typing speed of 80 wpm. The method of recruitment is 75% for direct recruitment, 10% by promotion and 15% by limited competitive test from among the department candidates. Reservation for SC/ST/OBC as per presidential directives also applies. When a post is to be filled in by direct recruitment the governing principles is to secure the services of the most suitable candidates for the post. Application for the post to be filled in are invited by

advertisement in newspapers or the Employment Exchange will be approached to recommend names of suitable candidates for consideration. The selection process consists of written examination and a typing speed test, which are conducted by outside agency. The candidate should necessarily be registered with the local Employment Exchange. After the examinations are over, the candidate who is qualified has to appear before a selection committee for personal interview, which select the candidates for appointment. There is no recruitment for the general staff category namely Junior Assistant and Steno for the last 8 years as the Respondents have been facing the problem of surplus staff. For reduction of surplus staff strength, the Respondents have obtained approval from Central Govt. and introduced voluntary retirement scheme since, 1992. The corporation has to strictly follow its own recruitment rules and there should not be any deviation from the rules while filling up the regular vacancy in the corporation. The Respondent never took the Petitioner to fill up any regular vacancy. The allegation of the Petitioner that she was a qualified candidate for appointment for the post of Typist-cum-Clerk is denied, as there is no separate cadre of Typist-cum-Clerk. The minimum level of entry in the staff cadre of the corporation is the post of Junior Assistant who does the typing work. The Petitioner is not eligible for the said post of Junior Assistant because she does not meet the eligibility criteria for the post nor has gone through the process of selection laid down in the recruitment rules. It is denied that Petitioner after proper section the Petitioner was selected and appointed as Typist-cum-Clerk in the O/o. MMTC at Tirupur on 4-11-93. It is incorrect to say that the order bearing No. 4/2/93Ms-A(Estt.) dated 4-11-93 is an appointment order as claimed by the Petitioner. In fact it is an internal communication from Madras Regional Office to Tirupur sub-Regional Office of the corporation conveying approval for engagement of Ms. Manimala for a period of three months purely on daily wage basis at Rs. 50/- per day for the days she had worked in a month. The Respondents strongly object the production of this communication. The Petitioner has stolen the above internal communication and other interoffice correspondence which were in the custody of Tirupur office and sought to use the same for her personal benefits. This act on the part of the Petitioner goes to prove her lack of credibility. It is also denied that she had worked beyond office hours and during holidays without any remuneration. She was paid at the agreed rate for the actual number of days worked and she never worked beyond office hours at any point of time. It is a common practice that in all Govt. office, lady staff members are not required to work beyond office hours. The Petitioner was taken purely on a daily rated wage basis and the Petitioner was being paid wages calculated for number of days she had worked in any month and accordingly the Petitioner was paid. The Petitioner was taken for a period of three months initially. The Petitioner accepted the same and

worked purely on that basis. After completion of three months period, the Petitioner was stopped from work but as and when there was a typing work available, the Petitioner was called to do typing job on daily rated basis. The Petitioner was engaged purely on a daily wage basis as a temporary measure pending the transfer of regular employees from Madras Office to Tirupur Office. After decanalisation by Government of India, the Corporation had no option, but to enter into a new area of business for its existence by deploying its surplus staff. One such business is export of garment from Tirupur for which the Corporation opened a small office at Tirupur, which was under the administrative control of RO, Chennai and required only a few people to do the work in the office. There is no cadre for typist post in the Respondents Organisation and the Petitioner was taken purely on a daily rated basis to tide over the typing work. It is denied that the Petitioner was required to work more than the office hours and on holidays without any remuneration. The Petitioner is put to strict proof of the allegations made in this aspect. It is incorrect to allege that the Petitioner had not claimed any wages for the entire work done by her after office hours in the interest of Organisation. It is denied that the Petitioner's work was praised and applauded by the superiors. It is a common practice, the lady staff are not called for late sitting beyond office hours and also on holidays. The allegation that the Manager (P & A) recommended the increase in daily wages to be paid to Petitioner in view of the honest and sincere services rendered by the Petitioner is denied as false and baseless. The Respondents themselves increased the daily rate of wages from Rs. 50 to Rs. 65 on humanitarian grounds and accordingly, the Petitioner was paid daily wages for the days worked. No formal order of appointment was given to the Petitioner as she was offered job for three months only on daily rated wage basis. Since the Petitioner's temporary services were not required the Petitioner was informed by letter dated 21-9-94 about the termination. The Petitioner's services were engaged purely on a temporary basis whichever her services were required as a typist. It is denied that the Petitioner was engaged continuously from the date of appointment till 21-9-94. The Petitioner was not taken against any permanent vacancy nor there is any cadre of Typist-cum-Clerk and as such she cannot claim any permanent employment. The letter of termination was issued to Petitioner as she wanted to take up a job elsewhere. The allegation made by the Petitioner that she had put in more than 240 days of service in the Corporation at Tirupur is hereby denied and the same is false and the Petitioner is put to strict proof of the same. Since temporary services were not required the Petitioner's services were terminated and she was not terminated on any charge of unsatisfactory work. That being the case, the question of affording any opportunity to prove the unsatisfactory work does not arise. Further, it is denied that there is violation of Article 311(2) of the Constitution of India as alleged. It is denied that the Petitioner had been terminated from service

in violation of principles of natural justice and in violation of Section 25F of Industrial Disputes Act, 1947. It is denied that the Petitioner's services were terminated with a view to curtail the right for claiming regularisation. To meet the typing needs at Tirupur office, the Corporation called for option from among the existing Assistants in Madras office for transfer to Tirupur. The process of option and transfer took sometime and in the meantime the Petitioner was engaged temporarily on daily wage basis till the Assistant transferred from Madras join duty at Tirupur. The assistant posted at Tirupur had already put in several years of service in MMTC. Recently, he has been called back to Madras since there is no typing work at Tirupur office. There is no much of export activity at all at Tirupur and business activities have dwindled. At present only, one Dy. Manager is posted at Tirupur and no other officer or staff are posted there and the Respondents submit that it may even close down the office at Tirupur to reduce avoidable overhead expenses as per the guidelines of Government of India. It is incorrect to allege that the post for Typist-cum-Clerk is in existence at Tirupur office of the Corporation. Since the Petitioner's services were engaged purely on a temporary basis and that too on a daily rate wages, her temporary services were disengaged as her services were no longer required. The Petitioner had not explained the delay in raising the dispute after W. P. No. 10352/95 as dismissed in the year 1995 and the Petitioner had taken more than 23 months to raise the dispute before the Commissioner of Labour, Central, Chennai. The action of the Petitioner for not raising the dispute before the authority earlier would prove that she is not interested for raising any claim of a job on permanent nature or any other benefits of whatsoever nature. In view of the ban on recruitment and there being no vacancy in the Respondent offices either at Tirupur or elsewhere, it is not possible to consider the claim made by the Petitioner for any employment and in any case, she does not meet the eligibility criteria for the post. Hence, it is prayed that this Hon'ble Tribunal may be pleased to dismiss the dispute raised by the Petitioner.

4. The averments in the additional Counter Statement filed by the II Party/Management are briefly as follows :—

The Tirupur office of the Respondent has been closed down from 11-01-2002, to reduce the avoidable overhead expenses as there was no business at all. Due to the liberalization policy of the Govt., in order to sustain the private competition and to reduce excess manpower to achieve optimum manpower utilisation the Respondent introduced voluntary retirement scheme from time to time. By utilising the above said VR Schemes more than 50% of the employees of the Respondents left since 1992. Recently also the Respondents introduced a voluntary retirement scheme namely MMTC Voluntary Retirement Scheme 2002 and nearly 60 employees more than 1/4 of existing strength opted for VR. There is no direct recruitment in the general staff category since 1992. Hence, it is prayed that this

Hon'ble Tribunal may be pleased to dismiss the dispute raised by the Petitioner.

5. When the matter was taken up for enquiry, no one has been examined as a witness on either side. No document has been filed as an exhibit on the side of the Respondent/Management. On the side of the I Party/Workman one document alone has been marked as an Ex. W1 by consent. The arguments advanced by learned counsel on either side were heard.

6. The Point for my consideration is :—

“Whether the action of the management of MMTC Ltd., in terminating the services of the workman Ms. S. Manimala is legal and justified ? If not, to what relief is she entitled ?”

Point :—

The I Party/Workman Ms. S. Manimala, the Petitioner herein has raised this dispute against the II Party/Management MMTC Ltd. alleging that she has been appointed as Typist-cum-Clerk initially for a period of three months on daily wage basis of Rs. 50 which has been subsequently increased to Rs. 65 per day. She has been engaged as such, even after the completion of three months initial engagement till she was terminated from service on 21-9-1994. The said termination of her service is illegal, arbitrary exercise of power and in violation of principles of natural justice and in violation of Section 25F of Industrial Disputes Act, 1947. Though she had put in more than 240 days of service, she was not given any notice or notice pay before the termination of her services. Hence, the Respondent may be directed to reinstate her in service as Typist-cum-Clerk with all attendant service and monetary benefits. The Respondent has disputed the claim of the Petitioner stating that the Respondent is a Government of India Undertaking and has its own recruitment rules for appointment of staff and officers and there is no separate cadre of Typist-cum-Clerk as such and according to recruitment rules as amended as on 30-9-93, the minimum educational qualification to be eligible for the post of Junior Assistant is graduation in any discipline with 55% marks in science/commerce and 50% marks in arts subject and the candidate should also possess a typing speed of 40 wpm and for the post of steno typist required qualification is graduation in any discipline with 55% marks in science/commerce and 50% marks in arts subject with typing speed of 80 wpm and that the method of recruitment is 75% for direct recruitment, 10% by promotion and 15% by limited competitive test from among the department candidates. It is further alleged that the applications for the post to be filled in by advertisement in newspapers or the Employment Exchange will be approached to recommend names of suitable candidates for consideration and that the selection process consists of written examination and a typing speed test, which are conducted by outside agency and the

candidates should necessarily be registered with local Employment Exchange and after the examinations are over, the candidate who is qualified has to appear before a selection committee for personal interview, which select the candidates for appointment and that there is no direct recruitment for the general staff category i.e. Junior Assistant and steno for the last eight years as the Respondents have been facing the problem of surplus staff and that the Respondent never took the Petitioner to fill up any regular vacancy. It is further alleged that there is separate cadre of Typist-cum-Clerk and the Junior Assistant who does the typing work and that the minimum level of entry in the staff cadre of the corporation is the post of Junior Assistant and the Petitioner is not eligible for the post of Junior Assistant because she does not meet the eligibility criteria for post nor has gone through the process of selection laid down in the recruitment rules. Further, it is specifically alleged in the Counter Statement that an internal communication from the Madras Regional Office to Tirupur Sub-Regional Office of the Corporation was sent conveying the approval for engagement of Ms. Manimala for a period of three months purely on daily wages basis at Rs. 50 per day for the days she had worked in a month and the Petitioner has been taken on purely daily rated basis and she was being paid wages calculated for the number of days she had worked in any month and accordingly she was paid and she was taken for a period of three months initially and the Petitioner had accepted the same and worked purely on that basis and on completion of three months period, she was stopped from work, but as and when there was typing work available, she was called to do the typing work on daily rated wages and she was engaged purely on a daily wages basis as a temporary measure pending the transfer of regular staff from Madras Office to Tirupur office. It was further alleged that the Petitioner was taken purely on daily rated basis to tide over the typing work. It is also alleged that the Respondents themselves increased the daily rate of wages from Rs. 50 to Rs. 65 on humanitarian grounds and accordingly, she was paid daily wages for the days she worked and that since the Petitioner's temporary services were not required, she was informed by letter dated 21-9-1994 about the termination and she was not taken against any permanent vacancy nor there is any cadre of Typist-cum-Clerk and as such she cannot claim any permanent employment. It is further alleged that the letter of termination was issued to the Petitioner, as she wanted to take up a job elsewhere. It is also the contention of the Respondent/Management in their Counter Statement that the allegations made by the Petitioner that she had put in more than 240 days of service in the Corporation of Tirupur is denied as the same is false and the Petitioner is put to strict proof of the same. Disputing these specific averments in the Counter Statement of the Respondent/Management, the Petitioner has not filed any reply statement or let in any evidence by way of oral or documentary to disprove the same. Further

in the additional Counter Statement, the Respondent/Management has stated that from 11-01-2002, it has closed down its Tirupur office to reduce avoidable overhead expenses, as there was no business at all. From the only document Ex. W1 dated 21-09-1994, the order of termination given by the Respondent/Management to the Petitioner, it is seen that the Petitioner has been engaged to work as a typist on daily wage basis at Tirupur office of the Respondent. Further, the Petitioner herself has stated that she was engaged as Typist-cum-Clerk for a period of three months on daily wage basis at Rs. 50 per day initially and subsequently, her wage has been increased to Rs. 65 per day. She has not been given any order of appointment by the Respondent/Management. The document she has referred to dated 04-11-1993 in the her claim Statement is only an internal communication from the Madras Regional Office to Tirupur Sub Regional Office of the Corporation conveying approval for engagement of the Petitioner for a period of three months purely on daily wages basis at Rs. 50 per day for the days she worked in any month. As it is contended by the Respondent/Management in their Counter Statement, the Petitioner has not been selected for any permanent vacancy of the Respondent branch at Tirupur by the direct recruitment process which is mentioned in the Counter Statement. The Petitioner also has not let in any oral or documentary evidence to prove her contention that she had worked continuously for a period of 240 days to claim the benefits under Section 25F of the Industrial Disputes Act, 1947, when especially the averment of the Petitioner in her Claim Statement has been specifically denied in the Counter Statement of the Respondent/Management and called upon the Petitioner to strict proof of the same. From all these facts available in this case, it is clear that the Petitioner has been engaged by the Respondent/Tirupur branch for the short period on daily wage basis to attend to the need of typing work in that branch as a temporary measure, pending the transfer of regular employees from Madras Office to Tirupur Office and after a period of initial engagement of three months she was stopped from work and she was called to do the typing job on daily rated basis as and when there was typing work available in the Respondent office at Tirupur. From this, it is evident that the Petitioner has not been properly appointed as per the recruitment rules for a permanent vacancy of the post of typist in that Respondent branch at Tirupur and she is not entitled to claim reinstatement for that post on the basis of her temporary engagement on daily wage basis and by such employment, no right has been accrued to her to claim for reinstatement in that service. So on the basis of the available materials in this case, it can be easily held that the action of the II Party/Management MMTC Ltd. in disengaging the workman Ms. S. Manimala is legal and justified. In the given circumstances, there is no question of terminating the services of the Petitioner by the Respondent/Management. So, the concerned workman Ms. S. Manimala

is not entitled for any relief. Thus, the point is answered accordingly.

7. In the result, an Award is passed holding that the Petitioner/Workman Ms. S. Manimala is not entitled for any relief. No Cost.

(Dictated to the Stenographer, transcribed and typed by him, corrected and pronounced by me in the open court on this day the 27th November, 2002.)

K. KARTHIKEYAN, Presiding Officer

Witnesses Examined : None

On either side

Documents Exhibited :

For the I Party/Workman :

Ex No.	Date	Description
W1	21-09-94	Xerox copy of the order of termination issued to Petitioner/Workman by the Respondent.

For the II Party/
Management. Nil

नई दिल्ली, 3 जनवरी, 2003

का. आ. 347.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार नेशनल ब्यूरो ऑफ प्लांट जेनेटिक रिसोर्स के प्रबंधन के सम्बद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक, अधिकरण नागपुर के पंचाट (संदर्भ संख्या सी.जी.आई.टी./196/2000) को प्रकाशित करती है, जो केन्द्रीय सरकार को 3-1-2003 को प्राप्त हुआ था।

[सं. एल-42011/27/2000-आई आर (डी यू)]

कुलदीप राय वर्मा, डैस्क अधिकारी

New Delhi, the 3rd January, 2003

S.O. 347.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. CGIT-196/2000) of the Central Government Industrial Tribunal/Labour Court, Nagpur now as shown in the annexure in the Industrial Dispute between the employers in relation to the Management of National Bureau of Plant Genetic Resources and their workman, which was received by the Central Government on 3-1-2003.

[No. L-42011/27/2000-IR(DU)]

KULDIP RAI VERMA, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL, NAGPUR

PRESENT :

SHRI B.G. SAXENA,
Presiding Officer

Reference No. CGIT : 196/2000

NATIONAL BUREAU OF PLANT GENETIC
RESOURCES

AND

SHOBHA MANIKRAO DHORE AND OTHER

AWARD

The Central Government, Ministry of Labour, New Delhi by exercising the powers conferred by Clause(d) of sub-section (1) and Sub-Section (1) and sub-section 2 (A) of Section 10 of the Industrial Dispute Act, 1947 has referred this dispute vide order No. L-42011/27/2000/IR(DU) dt. 30-06-2000 on the following schedule.

SCHEDULE

"Whether the action of the management of National Bureau of Plant Genetic Resources, through its Officer Incharge, Regional Station, Akola and the Chairman/Director, New Delhi in terminating the services of Sau. Shobha W/o Manikrao Dhore and other 17 workers (and other 29 as per list) w.e.f. 15-01-2000 is legal, proper & justified? If not, to what relief the said workmen are entitled?"

In the schedule sent with the order dt. 30-06-2000 it was mentioned that Shobha W/o Manikrao Dhore and other 17 workers (and other 29 as per list) were terminated w.e.f. 15-01-2000 by the management of National Bureau of Plant Genetic Resources through its Officer Incharge, Regional Station, Akola & the Chairman/Director, New Delhi. After that letter No. F.No. L-42011/27/2000-IR(DU) dt. 23-11-01 was received from Ministry of Labour, New Delhi that ALC(C), Nagpur has sent a list of 19 workers involved in the dispute. Corrigendum F.No. L-42011/27/2000-IR (DU) dt. 21-11-01 has been issued showing 19 workers in place of 17 workers. The list of the undernoted 19 workers was also sent by the Ministry of Labour, New Delhi with letter dt. 23-11-01. The list shows that the undernoted 19 workers had raised the dispute before Assistant Labour Commissioner(C), Nagpur :

- (1) • Sau. Shobha W/o Manikrao Dhore
- (2) • Sau. Babybai Sureshchandra Asare
- (3) • Sau. Vatsalabai W/o Sambhji Wasanik
- (4) • Sau. Kantabai W/o Sheshrao Tayade

- (5) • Gokarnabai W/o Shriram Malghan
- (6) • Sau. Narmadabai W/o Shatrughna Gaikwad
- (7) • Kamalabai W/o Kisanrao Janjal
- (8) • Pramila W/o Ramkrishna Murumkar
- (9) • Sau. Saraswati Bhaskar Magar
- (10) • Sau. Indira Onkar Pathak
- (11) • Sau. Vimal Namdeorao Khandare
- (12) • Kamalabai W/o Murlidhar Olambe
- (13) • Sau. Baby W/o Subhash Hiwarale
- (14) • Vilas Vasantrao Damodar
- (15) • Rampal Jiwanlal Gujar
- (16) • Dasharath Pundalik Bochara
- (17) • Namdeo Santar Khandare
- (18) • Bhagwant Sampat Ambore
- (19) • Shankar Murlidhar Olambe.

On 9-10-2000 the undernoted 19 workers had submitted their Statement of Claim through their advocate :

- (1) • Sau. Shobha W/o Manikrao Dhore
- (2) • Sau. Babybai Sureshchandra Asare
- (3) • Sau. Vatsalabai W/o Sambhji Wasanik
- (4) • Sau. Kantabai W/o Sheshrao Tayade
- (5) • Gokarnabai W/o Shriram Malghan
- (6) • Sau. Narmadabai W/o Shatrughna Gaikwad
- (7) • Kamalabai W/o Kisanrao Janjal
- (8) • Pramila W/o Ramkrishna Murumkar
- (9) • Sau. Saraswati Bhaskar Magar
- (10) • Sau. Indira Onkar Pathak
- (11) • Sau. Vimal Namdeorao Khandare
- (12) • Kamalabai W/o Murlidhar Olambe
- (13) • Sau. Baby W/o Subhash Hiwarale
- (14) • Vilas Vasantrao Damodar
- (15) • Rampal Jiwanlal Gujar
- (16) • Dasharath Pundalik Bochara
- (17) • Namdeo Santar Khandare
- (18) • Bhagwant Sampat Ambore
- (19) • Shankar Murlidhar Olambe.

It is mentioned in the Statement of Claim that the above workmen were working as Agricultural Labourer and

the Watchman for the more than last 15 years in National Bureau of Plant Genetic Resources, Akola. They were appointed by the Officer Incharge after interview. The above Research Institute carries on research in the field of Dr. Punjabrao K. Vidyapith, Akola and carries research on the agricultural products into the fields which are allotted by Punjabrao K. Vidyapith, Akola. This field is in the area of 12 acre.

At the time of appointment of the above 19 workmen they were informed that they will acquire the status of permanent employee and will become permanent. On 06-11-99 a notice was published in daily news paper, Desh Onnati, Annexure- 'A' dt. 06-11-99. Through the above advertisement the tender were called from the Contractor to supply labour. The workmen then raised the dispute before Regional Labour Commissioner, Nagpur. During this period the complaint was lodged before Regional Labour Commissioner on 29-11-99. While the reconciliation proceedings were pending before ALC(C), Nagpur, on 15-01-2000, Dr. W.L. Barwad, Senior Scientist and Scientist Incharge N.B.P.G. R. Sattelite Centre, Amravati appointed his brother-in-law as Incharge of Amravati Office. Dr. W.L. Barwad also appointed his brother-in-law incharge of the Office at Akola and thereby without giving any notice to the above referred 19 workmen, terminated their service.

It is mentioned in the claim that Dr. W.L. Barwad was in collusion with Shri Patil who was Incharge of the Office and managed to appoint his brother-in-law as Contractor in their office at Akola. The appointment of the Contractor by Dr. W.L. Barwad was illegal. The termination of the service of these 19 workmen is also illegal. They were not paid any retrenchment compensation. At the time of oral termination, the workmen were being paid Rs. 2599 per month by National Bureau of Plant Genetic Resources Office at Akola. The workmen had claimed their reinstatement in their service with full backwages.

Dr. W.L. Barwad, Senior Scientist and Scientist Incharge submitted written Statement in this Court on 11-01-01 and contested the case on behalf of the management of National Bureau of Plant Genetic Resources, Akola. In the written Statement he has mentioned that Shobha M. Dhore and 18 other workmen who had submitted their Statement of Claim were working as daily paid labourers in the above institution and they were not having any temporary or quasi permanent status. They were never treated as regular employees. They had not worked for 240 days continuously in every year from last 15 years so they are not entitled for the benefit of provisions 25(F) & (G) of ID Act.

He admitted in W.S. that he had invited tender by advertisement in daily news paper Desh Onnati dt. 06-11-99. The advertisement was published three times in news paper Dainik Desh Onnati and Matri Bhoomi at Akola and Amravati on 3 dates i.e. 07-07-99, 02-10-99 & 06-11-99.

It is also mentioned by Dr. W.L. Barwad in Written Statement that he was working as Senior Scientist and Scientist Incharge N.B.P.G.R. He did not appoint his brother-in-law as Contractor. He further admitted that a Written Report was filed at Police Station, Civil Lines, Akola against these 19 workmen as they were threatening to cause physical injury to the labourers provided by the Contractor. He stated that the adoption of Contract labour System was not in violation of Government rules. These 19 workmen are not entitled to any relief claimed by them in their Claim.

On 04-04-2000 he also moved application that National Bureau of Plant Genetic Resources is not an industry and the reference be dismissed.

Both the parties were provided opportunity to produce evidence in this Tribunal.

On behalf of the workmen affidavits of Namdeo S. Khandare, Vilas Vasantrao Damodar were filed and they were cross examined by Dr. W.L. Barwad.

The affidavit of Shobha M. Dhore was also filed but she was discharged by the advocate of the workmen on 08-05-02.

From the side of management Dr. W.L. Barwad examined witnesses Prahllad Ukaji Anjankar, Janik Kashiram Ingle and Rajesh Sharawan Ghodpage. These witnesses had filed their affidavits and they were cross examined by Shri Deshpande, advocate for the workmen.

Besides the oral evidence, the parties also submitted documents. They have also submitted Written Arguments through their advocates.

Shri Deshpande, advocate argued the case for the workman. Shri Govind Mishra, advocate argued the case for the management of National Bureau of Plant Genetic and Resources.

I have considered the entire oral and documentary evidence produced by the parties and the arguments submitted by them.

It is argued by Shri Govind Mishra, the counsel for the management that National Bureau of Plant Genetic Resources is not an industry. It is doing research work and has made all-round progress in Plant Genetic Resources exploration, collection, evaluation, maintenance and documentation. The document submitted as Annexure-2 by the management also shows that it not only provides Genetic Resources to on-growing crop improvement programmes to sustain continue advances in agricultural productivity and stabilise production but also conserves them safely to needs of future generation.

The statement of management witness Janik Kashiram Ingle, Technical Officer shows that this institution has 50 acre land in Akola under cultivation and produces

improved quality of seeds. These workmen sow the crop, harvest it and irrigate the fields. Some of them are working as Watchman and some of them are doing the agricultural work in the field.

The counsel for the workman has argued that it is an industry because the crop sown in the field of this institution is sold. The crop and the seeds can not be preserved for long. the institution is earning profit by selling the foodgrains and the seeds. The counsel for the workmen has also submitted ruling 1999-II CLR Page 118 of Allahabad High Court, Central Institute for Sub Tropical Horticulture *versus* Presiding Officer, CGIT, Kanpur and Others. In this ruling it is held by the Hon'ble High Court that Central Institute for Sub Tropical Horticulture is doing the research work but it also carries on economic activities involving huge profits from the auction of horticulture products produces such as Mango, Guava, Banana, Grapes, Karaunda, Licchi etc. The research which is done in the institute is with a view to produce better quality of fruits, vegetables, flowers, foodgrains which are produced and sold in the form of seeds and fruits both to the farmers and other growers. They are sold and thus the institute earns the profit.

In view of the above ruling, the National Bureau of Plant Genetic Resources produces improved quality of seeds and sells the plants and the seeds to other farmers. By this sell of these products, the institute earns the profit. I, therefore, hold that National Bureau of Plant Genetic Resources is an industry.

All these 19 workmen have claimed that they were working with N.B.P.G.R., Akola Station since 1984-85. They were orally terminated from 15-01-2000 when they made representation before the ALC that their services should be regularised.

Workmen Shri Namdeo S. Khandare and Vilas V. Damodar, witnesses have been examined in support of their claim. W.L. Barwad cross examined witness Namdeo S. Khandare and has suggested in cross examination that he was working from 1986 to 1999. He worked for the undernoted period :

1986	—	80 days
1987	—	73 "
1988	—	130 "
1989	—	180 "
1990	—	105.5 "
1991	—	61.5 "
1992	—	155 "
1993	—	100 "
1994	—	148 "

1995	—	141.5 days
1996	—	102 "
1997	—	77 "
1998	—	167 "
1999	—	155 "

The witness has stated that he worked for 240 days each year. It was suggested to the witnesses that he was being paid Rs. 68.40 per day and was working on daily wages. From the above suggestions given by W.L. Barwad it is clear that this workman was working for about 14 years though his attendance is not more than 180 days.

Another witness Vilas V. Damodar has also stated that he was working on daily wages with 18 other workmen. He says that he had worked for more than 240 days each year from 1984-85 to 15-01-2000. he has stated that his actual attendance was not shown in the Muster Roll. He was getting payment Rs. 2106 per month. The management has prepared forged record of payment and attendance of the workmen. W.L. Barwad was looking after the entire work of N.B.P.G.R. Station at Akola. He himself was working as Contractor for the supply of workers on the field.

The management witness Prahlad Ukaji Anjankar, Assistant and Cashier, N.B.P.G.R. Regional Station, Akola has stated that he is working on this station since 1979 as Assistant as well as Cashier. He says that the payment to workers was made by Mr. Kale, Ingle and Nikose. He was not making payment to these workers. He does not know how much wages was being paid to these workmen. These 19 workmen were paid wages fortnightly i.e. after every 15 (fifteen) days. R. S. Ghodpage is working as Contractor for last 3 years. he does not make any payment to those labourers who are supplied by the Contractors. He does not make any payment to the Contractor. Mr. Patil is head of the office. It is admitted to this witness that these 19 workmen are not working from 15-01-2000. There was no complaint against these workmen when they were asked to discontinue work from 15-01-2000.

Management witness Janik K. Ingle stated in cross examination that these 19 workmen who have submitted their claim were daily paid wage workers. They did not work for 240 days in any year. These workmen were doing the work of agriculture and that of watchman. He was supervising the work of these 19 workmen upto 15-01-2000. They were working for last 15 years.

It is admitted to the management that these 19 workmen were doing the work of sowing and harvesting the crop of this institute under the supervision of J.K. Ingle. They were doing the agricultural work on 50 acre land at N.B.P.G.R. Regional Station, Akola. Management has not given any reason why these workmen were asked to discontinue work from 15-01-2000.

Management has examined Rajesh Shrawan Ghodpage aged 29 years as Contractor. He has stated that from 16-01-2000 he has taken contract for security as well as various farms operations to be done per year on the basis of lowest rate of tender quoted by him in his application. He is working as Contractor at N.B.P.G.R., Akola and Amravati. This witness has submitted his affidavit and was cross examined by the advocate of workmen on 30-07-02.

In cross examination by the counsel for workmen, this witness had admitted that he is nephew of W.L. Barwad. He says :

“Yeh kahna sahi hai ke main W.L. Barwad ka bhatija hoon.”

From the above statement it is clear that W.L. Barwad was managing the work of cultivation on the fields of N.B.P.G.R., Akola and Amravati. The counsel for the workmen has argued that this witness Rajesh S. Ghodpage was not at all a Contractor. He had no licence for taking any contract. W.L. Barwad was the main actor behind the scene and he was looking after the agricultural work on the field. Rajesh S. Ghodpage has given statement on his direction. This witness has stated in his cross examination that he does not know how these 19 workmen were getting payment upto January, 2000. He does not know where the research work is carried on. He had no knowledge of any research work of this institute. He does not know how many labourers are working in the field at Amravati. He does not know what payment is being made by him to the labourers which have been supplied by him. He does not know that how many contracts for supply of labour have been taken by him. He does not know how many labourers are working at present on the fields on N.B.P. G.R. Akola.

In view of the above statement of Rajesh S. Ghodpage it is evident that he is not a Contractor. W.L. Barwad has shown him as a Contractor in some papers but W.L. Barwad was himself working as Contractor and was drawing the payment of the labourers from the Government. He was changing the labourers according to his convenience and has orally directed these 19 workmen to discountinue work from 15-01-2000.

The management has not submitted any appointment letter of these 19 workmen. No written termination order of these workmen has been submitted in this Court. No reason for terminating their services has been brought on record of this Court by the management.

In AIR, 2000 Supreme Court Page 3287 Hindustan Machine Tools & Others, Appellants *versus* M. Bangareddy & others, Respondents :

It is held by the Hon'ble Supreme Court that casual workers working in different departments of government companies for almost 10 years continuously and

discharging the duties similar to those of regular employees of the company — company are directed to frame scheme for absorption of casual labour as regular employee.

In 2002 (3) Supreme Court cases Page-326 Punjab State Electricity Board & Another *versus* Wazir Singh, the Hon'ble Supreme Court has held that daily wages should be absorbed as worked charges workers.

In 2000 LAB-IC 2051, Union of India *versus* Presiding officer, C.G.I.T. & Another it is held by Madhya Pradesh High Court :

“Workmen employed as casual labourers in Telecommunication Department can be terminated only on ground of non availability of work or services not required, Respondents terminated from service on ground of break in service and another person employed. Order of terminating services not proper.

In view of the above ruling of the Hon'ble Supreme Court these 19 workmen, who have submitted claim should be provided work at National Bureau of Plant Genetic Resources, Regional Station, Akola.

From the evidence on record it is clear that the management of N.B.P.G.R. asked them to discountinue work on the fields at Akola from 15-01-2000 and W.L. Barwad started taking works from other labourers on these fields showing Rajesh S. Ghodpage as Contractor. The action of W.L. Barwad was therefore illegal and unjustified.

Management had submitted document Annexure-1 for the attendance of the workmen for the year 1998-99 which shows that these workmen have worked for 86 days to 167 days. Some of the workmen have been shown absent for the whole month. The yearly total attendance from January, 1984 to 1999 also shows that the management has been taking work from the workmen every year but their attendance is not shown not more than 184 days in any year. The management has therefore shown breaks in the service to deprive them with the benefits of continuity in service. These workmen Shobha M. Dhore and 18 others have been doing work for more than 10 years. The management therefore should maintain proper record of attendance of these workmen. The evidence on record shows that the work of cultivation on the fields of National Bureau of Plant Genetic Resources, Akola is still available. These workmen should be provided work as early as possible and preferably within 3 months of this order. The management should also take steps to regularise the services of these workmen.

ORDER

The action of the management of National Bureau of Plant Genetic Resources through its officer Incharge, Regional Station, Akola in and the Chairman/Director in discontinuing the services of Shobha M. Dhore and 18

others w.e.f. 15-1-2000 is not legal and proper. It is unjustified. Shobha M. Dhore and 18 others namely (1) Sau. Babybai Sureshchandra Asare (2) Sau. Vatsalabai W/o Sambhaji Wasanik (3) Sau. Kantabai W/o Sheshrao Tayade (4) Gokarnabai W/o Shriram Malghan (5) Sau. Narmadabai W/o Shatrughnan Gaikwad (6) Kamalabai W/o Kisanrao Janjal (7) Pramila W/o Ramkrishna Murukar (8) Sau. Saraswati Bhaskar Magar (9) Sau. Indira Onkar Pathak (10) Sau. Vimal Namdeorao Khandare (11) Kamalabai W/o Murlidhar Olambe (12) Sau. Baby W/o Subhash Hiwarale (13) Vilas Vasantrao Damodar (14) Rampal Jiwanlal Gujar (15) Dasharath Pundalik Bochara (16) Namdeo Santar Khandare (17) Bhagwant Sampat Ambore (18) Shankar Murlidhar Olambe should be provided work on National Bureau of Plant Genetic Resources, Akola within 3 months of this order. The management is also directed to maintain proper record of the attendance of these workmen and the copy of the record of attendance should also be provided to the workmen.

The management should also take steps to absorb these 19 workmen as regular employees and regularise their services so that they may get the benefit of continuity in service and other benefits arising out of it.

The reference is disposed of accordingly with the above directions.

Date: 16-12-02

B.G. SAXENA, Presiding Officer

नई दिल्ली, 3 जनवरी, 2003

का. आ. 348.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार बी.बी.एम.बी. के प्रबंधन के सम्बद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण चण्डीगढ़ के पंचाट (संदर्भ संख्या 127/91) को प्रकाशित करती है, जो केन्द्रीय सरकार को 3-1-2003 को प्राप्त हुआ था।

[सं. एल-42012/2/91-आई आर (डी यू.)]

कुलदीप राय वर्मा, डैस्क अधिकारी

New Delhi, the 3rd January, 2003

S.O. 348.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 127/91) of the Central Government Industrial Tribunal/Labour Court, Chandigarh now as shown in the annexure in the Industrial Dispute between the employers in relation to the Management of BBMB and their workman, which was received by the Central Government on 3-1-2003.

[No. L-42012/2/91-IR(DU)]

KULDIP RAI VERMA, Desk Officer

ANNEXURE

CENTRAL GOVT. INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, CHANDIGARH

Presiding Officer : Shri S.M. Goel

Case No. ID 127/91

Kashmiri Lal son of Shri Mangal Ram
Resident of Village Abiyana Kalan,
Anandpur Sahib, District Ropar,

... Applicant

Versus

Chief Engineer, (Power Wing),
BBMB Nangal Township,
District Ropar, Punjab.

... Respondent

APPEARANCES

For the Workman : Shri R.K. Singh

For the Management : Shri Sukhwinder Singh

AWARD

(Passed on 27-11-2002)

The Central Govt. vide letter No. L-42012/2/91, IR DU dated 26 of September 1991 has referred the following dispute to this Tribunal for Adjudication :

"Whether the action of the BBMB (Power Wing) in terminating the services of Shri Kashmiri Lal, son of Shri Mangal Ram, T. mate in right power House w.e.f. 1-5-1985 is justified ? If not, to what relief the concerned workmen is entitled ?"

2. Today the case came up for arguments. The rep. of the workman has stated at the bar that he wants to withdraw the present reference with a liberty to raise fresh dispute. In view of this, the present reference is returned as withdrawn. The workman will be at liberty to raise fresh demand/dispute. Central Govt. be informed.

Chandigarh
27-11-2002

S.M. GOEL, Presiding Officer

नई दिल्ली, 3 जनवरी, 2003

का. आ. 349.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार केन्द्रीमेन्ट बोर्ड के प्रबंधन के सम्बद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण चण्डीगढ़ के पंचाट (संदर्भ संख्या 8/91) को प्रकाशित करती है, जो केन्द्रीय सरकार को 3-1-2003 को प्राप्त हुआ था।

[सं. एल-13012/5/90-आई आर (डी यू.)]

कुलदीप राय वर्मा, डैस्क अधिकारी

New Delhi, the 3rd January, 2003

S.O. 349.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 8/91) of the Central Government Industrial Tribunal/Labour Court, Chandigarh now as shown in the annexure in the Industrial Dispute between the employers in relation to the Management of Cantt. Board and their workman, which was received by the Central Government on 3-1-2003.

[No. L-13012/5/90-IR(DU)]

KULDIPRAI VERMA, Desk Officer

ANNEXURE

CENTRAL GOVT, INDUSTRIAL TRIBUNAL-CUM-
LABOUR COURT, CHANDIGARH

Presiding Officer : Shri S.M. Goel

Case No. ID 8/91

Ram Sarup son of Shri Nath Ram
Resident of Village Alladipur,
District Jalandhar

... Applicant

Versus

The Cantonment Board,
Jalandhar Cantt. through its
Executive Officer.

... Respondent

APPEARANCES

For the Workman : Shri Kishan Chand

For the Management : Shri R.P. Goel

AWARD

Dated : 18-11-2002

The Central Govt. vide notification No. L-13012/5/90-IR(DU) dated 22nd of January 1991 has referred the following dispute to this Tribunal for adjudication :

“Whether the action of the Cantonment Board, Jalandhar in terminating the services of Shri Ram Sarup w.e.f. 19-4-83 is justified? If not, to what relief the concerned workman is entitled to?”

2. In the claim statement the applicant has pleaded that he was appointed with the management as Safai Karamchari on 15-11-1971. He fell sick on 9-1-1982 and the respondent management terminated his services w.e.f. 9-1-1982 on the ground of wilful absence, without any

charge sheet or enquiry and without following the procedure U/S 25-F of the I. D. Act, 1947. The principle of first come last go has also been violated by the management. The applicant thus prayed that he be reinstated in service with full backwages and continuity of service.

3. In the written statement the management has pleaded that the applicant stopped coming to the duties on 9-1-1982. The notice was served upon him on 18-2-1982 through registered letter and no reply was received from the applicant. Public notice was also given in Daily Ajit and Daily Punjab Kesri Jalandhar on 27-5-1982 and 28-5-1982. Even after the publication of notice the applicant did not turn up. The charge sheet was also served upon the employee dated 24/30-3-1983 and after making due enquiry on 19-4-1983 the services of the workman was terminated. He has moved the present case on 19-4-1989. It is further pleaded by the management that the applicant went abroad and for this reason he did not join the duty. Thus it is prayed that the reference be rejected.

4. The applicant also filed rejoinder reiterating the claim made in the claim statement.

5. In evidence the applicant filed his affidavit as Ex. W1. He admitted in cross-examination that he was not admitted to any hospital. He also admitted that he never made any application for leave for sanction. In rebuttal the management has filed the affidavit of P. Daniel as M1. He admitted in cross-examination that no enquiry was conducted, but the charge sheet was issued.

6. I have heard the learned representative of workman and counsel for the management and have also perused the written arguments submitted by the parties. The reply of the workman has argued that no enquiry was conducted and mere publishing the notice in the newspapers is not sufficient and enquiry should have been conducted by the management before terminating the services of the applicant. On the other hand the learned counsel for the management has argued that for the first time the applicant has moved the court on 19-4-1989. He did not even approach the management to allow him to join duties and the termination was well within his knowledge and he was absent from duty unauthorisedly and for several years he remained untraced and he even did not report for duty after publication of notice in the newspapers on 27-5-1982 and 28-5-1982 and being the member of the disciplined force he did not even bother to apply for leave or sent any intimation to the office. The show cause notice was also sent to him and charge sheet was sent at his address. This is the only procedure the management could adopt in the circumstances of the case. He has also relied on the case law 2000(4) R. S. J. page 673 Satish Kumar Vs. Union of India in which it has been held by the Hon'ble High Court that show cause notice sent not responded to by the petitioner and dismissal order passed. It is held that

absence from duty specially in the disciplined force is a serious misconduct. It was held by the Hon'ble High Court that there is no illegality in the order of dismissal from service. In the above case the petitioner remained absence for 523 days in total service of three years and 10 months and he left the regiment without getting his leave sanctioned. In the present case, the applicant as admitted by him left the office on 9-1-1982 without getting his leave sanctioned and never reported for duty and it was only on 19-4-1989 he filed the present case before the A. L. C. Despite the publication of notice in the Newspapers he did not feel the necessity to inform the office. The plea of the workman that he fell ill can not be accepted as he remained untraceable till 19-4-1989 when for the first time he filed the present case before the A. L. C. He has taken the things for granted and did not come to the office and one fine days he filed the present case for taking the applicant back in service. In the facts and circumstances of the present, the services of the applicant have been terminated under the Cantonment Laws and especially when the applicant himself did not report for duty for many years and left the office without getting the leave sanctioned. He is not entitled for any reinstatement in service and thus, following the above referred judgement of the Hon'ble Punjab & Haryana Court, I find no merit in the present reference. In my considered opinion, the action of the Cantonment Board Jalandhar in terminating the services of Shri Ram Sarup w.e.f. 19-4-1983 is fully justified and the workman is not entitled to any relief. The reference is disposed of accordingly. Central Govt. be informed.

Chandigarh
18-11-2002

S. M. GOEL, Presiding Officer

नई दिल्ली, 3 जनवरी, 2003

का. आ. 350.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार सीनियर सुपरिन्टेन्डेन्ट ऑफ पोस्ट ऑफिस के प्रबंधन के सम्बद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण चण्डीगढ़ के पंचाट (संदर्भ संख्या 254/2000) को प्रकाशित करती है, जो केन्द्रीय सरकार को 3-1-2003 को प्राप्त हुआ था।

[सं. एल-40011/1/2000-आई आर (डी यू)]

कुलदीप राय वर्मा, डैस्क अधिकारी

New Delhi, the 3rd January, 2003

S.O. 350.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 254/2000) of the Central Government Industrial Tribunal/Labour Court Chandigarh as shown in the annexure in the Industrial Dispute between the employers in relation to the Management of Sr. Supdt. of Post Office and their workman,

which was received by the Central Government on 3-1-2003.

[No. L-40011/1/2000-IR(DU)]

KULDIP RAI VERMA, Desk Officer

ANNEXURE

CENTRAL GOVT. INDUSTRIAL TRIBUNAL-CUM-
LABOUR COURT, CHANDIGARH

Presiding Officer : Shri S.M. Goel

Case No. ID 254/2k

Divisional Secy.,
Postal Employees Class-III &
Group D & Bhartiya Union,
89-Jawahar Lal Nehru Marg,
Ambala Cantt.
Haryana-133001.

... Applicant.

Versus

The Supdt. of Post Offices,
Ambala Division,
Ambala Cantt.,
Haryana-133001.

... Respondent.

REPRESENTATIVES

For the Workman : None.

For the Management : None.

AWARD

(Passed on 15th November, 2002)

The Central Govt. Ministry of Labour vide Notification No. L-40011/1/2000/IR(DU) dated 6th June, 2000 has referred the following dispute to this Tribunal for adjudication :

"Whether the action of the management of P & T represented by Sr. Supdt. of Post Office, Ambala Division, Ambala in not inviting the office bearers of Regd. Trade Unions other than recognised Union namely, Bhartiya Postal Employees Union Class-III, Postman & Class-IV Union and E. D. Employees Union for discussions on their outstanding grievances is legal and justified ? If not, to what relief the Unions are entitled ?"

2. None appeared on behalf of the parties and no claim statement has also been filed. It appears that the workman is not interested to pursue with the present reference. The same is returned and dismissed in default.

Chandigarh

Dated : 15-11-2002.

S. M. GOEL, Presiding Officer